

Public Document Pack



Tuesday, 9 August 2022

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CABINET

You are summoned to a meeting of the Cabinet which will be held in the Council Chamber, Woodgreen, Witney OX28 1NB on **Wednesday, 17 August 2022 at 2.00 pm.**



Giles Hughes
Chief Executive

To: Members of the Cabinet

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

Recording of Proceedings – The law allows the public proceedings of Council, Cabinet, and Committee Meetings to be recorded, which includes filming as well as audio-recording. Photography is also permitted. By participating in this meeting, you are consenting to be filmed.

As a matter of courtesy, if you intend to record any part of the proceedings please let the Democratic Services officers know prior to the start of the meeting.

West Oxfordshire District Council, Council Offices, Woodgreen, Witney, OX28 1NB
www.westoxon.gov.uk Tel: 01993 861000

AGENDA

1. **Minutes of Previous Meeting (Pages 5 - 10)**
To approve the minutes of the meeting held on 13 July 2022.
2. **Apologies for Absence**
3. **Declarations of Interest**
To receive any declarations from Members of the Committee on any items to be considered at the meeting
4. **Participation of the Public**
Members of the public may ask a question at a meeting of Cabinet for up to three minutes on any item of business for decision at the meeting or on any issue that affects the district or its people. Members of the public wishing to speak at a Cabinet meeting must notify democratic.services@westoxon.gov.uk, including their name and the agenda item or topic they wish to speak on, by 2.00pm two clear working days before the meeting (e.g. for a Wednesday meeting, the deadline would be 2.00pm on the Friday before). If the topic of the question is not within the remit of the Council, advice will be provided on where best to direct the question. The relevant Cabinet Member will either respond verbally at the meeting or provide a written response which will be included in the minutes of the meeting.
5. **Receipt of Announcements**
Purpose:
To receive any announcements from the Leader of the Council or Members of the Cabinet.
6. **Revised Draft Developer Contributions Supplementary Planning Document (SPD) (Pages 11 - 154)**
Purpose:
To agree that a revised draft Developer Contributions Supplementary Planning Document (SPD) is published for the purposes of a six-week period of public consultation.
Recommendation:
That Cabinet resolves to:
 - a) Note the content of the report including the consultation summary report attached at Annex A;
 - b) Agree that the revised draft Developer Contributions Supplementary Planning Document (SPD) attached at Annex B is published for a six-week period of public consultation; and
 - c) Authorise the Planning Policy Manager to make any minor factual/typographical amendments to the revised draft SPD, in liaison with the relevant Cabinet Member, prior to the public consultation taking place.

7. **West Oxfordshire Local Plan 2041 - Initial Issues and Scoping Consultation** (Pages 155 - 158)

Purpose:

To inform Members of the need to update the West Oxfordshire Local Plan through an initial Issues and Scoping Consultation.

To agree a programme of engagement to inform the revision of the West Oxfordshire Local Plan.

Recommendations:

That Cabinet resolves to:

- a) note the intention to review the West Oxfordshire Local Plan commencing with an initial Issues and Scoping Consultation
- b) agree to a programme of engagement that will help to inform the scope of the West Oxfordshire Local Plan alongside the West Oxfordshire Council Plan.

8. **Domestic Abuse Contract Renewal** (Pages 159 - 172)

Purpose:

To consider funding towards the new countywide Oxfordshire Domestic Abuse contract which will start on 1st April 2023.

Recommendations:

That Cabinet resolves to:

- a) note the duty the Domestic Abuse Act 2021 places on local authorities in England to provide accommodation based support to victims of domestic abuse and their children in refuges and other safe accommodation; and
- b) agree funding towards the Oxfordshire Domestic Abuse contract to start on 1st April 2023.

9. **New Council Initiatives Funding Allocations** (Pages 173 - 176)

Purpose:

To approve some initial allocations of funding towards the initiatives that support the emerging Council priorities as set out at the Cabinet meeting in July 2022 and agree appropriate delegations to implement new initiatives.

Recommendation:

That Cabinet resolves to:

- a) confirm its approach to allocating funds from the new reserve approved by Council in July 2022 and any delegated arrangements;
- b) approve an allocation of £75,000 from the reserve for the purchase of the two electric sweepers in 2022/23;
- c) ask officers to investigate a longer term plan to decarbonise the vehicle fleet used by the Council and its partners and report back later in the year;

(END)

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WEST OXFORDSHIRE DISTRICT COUNCIL

Minutes of the meeting of the
Cabinet

Held in the Council Chamber at 2.00 pm on **Wednesday, 13 July 2022**

PRESENT

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

Also present: Councillor Alaa Al-Yousuf, Councillor Gill Hill, Councillor Norman MacRae and Councillor Michelle Mead.

Officers present: Andrew Brown (Business Manager, Democratic Service), Janet Eustace (Democratic Services Manager), Elizabeth Griffiths (Chief Finance Officer, Deputy Chief Executive and Section 151 Officer), Chris Hargraves (Planning Policy Manager), Giles Hughes (Chief Executive), Claire Locke (Group Manager - Commissioning) and Frank Wilson (Group Finance Director).

30 Minutes of Previous Meeting

The minutes of the meeting held on Wednesday 22 June were approved and signed by the Chair as a correct record subject to noting that Councillors Arciszewska and Aitman should not have been shown as present.

31 Apologies for Absence

There were none.

32 Declarations of Interest

Councillor Enright declared an interest in item 39 as the Portfolio holder at Oxfordshire Country Council and said he would leave the Chamber.

Councillor Rylett declared an interest in item 38 as living adjacent to the site but confirmed that there was no pecuniary interest.

33 Participation of the Public

No requests for public participation had been received.

34 Receipt of Announcements

The Leader of the Council Councillor Graham welcomed everyone to the Cabinet meeting.

The Chair welcomed Andrew Brown as the new Business Manager, Democratic Services.

The Chair mentioned recent rises in COVID cases and asked all to be mindful of crowded spaces, test regularly and wear face masks if they wished.

The Chair announced that the Cabinet had decided to hold meetings at different locations within the district in order to be more accessible to residents. Details would follow shortly.

35 Review of Legal Services, Interim Monitoring Officer Arrangement and Retained Officer Structure

The Chair introduced this item. He confirmed that Cotswold District Council had recently agreed to remain party to the shared Cotswold/Forest of Dean/West Oxfordshire legal service and to support the formalisation of the shared service under a Collaboration

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Agreement and Section 101 agreement. A review of economy, efficiency and effectiveness for shared services would be undertaken.

The Chief Executive confirmed that the current interim monitoring officer services agreement had one year to run and that now would be a good time for a review. He would discuss how to progress the matter with other Chief Executives in the partnership.

In answer to a question from Cllr Mead, the Chair confirmed that the needs of Publica and Forest of Dean would also be taken into account.

Resolved that Cabinet:

- a) Note the decision of Cotswold District Council on their commissioning review of legal services.
- b) Agree to remain party to the shared Cotswold/Forest of Dean/West Oxfordshire legal service, to support the formalisation of the shared service under a Collaboration Agreement and Section 101 agreements, and a review of the shared service for economy, efficiency and effectiveness.
- c) Authorise the Chief Executive to undertake a review of the current interim monitoring officer arrangement and the retained officer structure, including interrelationships with the shared legal service and Publica, with recommendations from the review reported to Cabinet and Council as appropriate.

36 Outline Business Case to Improve Openness and Transparency in Council Business and Support Agile Working and Decarbonisation Measures

The Chair introduced this item. He said that the Council's facilities needed to be appropriate and accessible. Elmfield was under occupied and it made sense to move Planning to Woodgreen where officers would be much more accessible to residents. The Council Chamber was unwelcoming and in need of updating to allow other uses such as weddings. Technology needed improving to allow hybrid working and remote access.

Councillor Prosser reported on the decarbonisation and sustainability measures set out in the report and said that he would be revisiting the assumptions underlying the proposed new heating systems. Councillor Levy emphasised the importance of updating the Council's estate and the positive impact this would have on the Council's income. Councillor Enright spoke of the need to ensure that all the Council's properties support the Council's priorities to increase openness and transparency.

In answer to a question from Councillor MacRae, Claire Locke, Group Manager for Commissioning, confirmed that there was sufficient flexibility to allow all those who wished to work in the office to do so and to allow space for the Elections team. Councillor Al-Yousuf was assured that a detailed report would be taken to Finance and Management Overview and Scrutiny Committee. Councillor Mead said that ICE had committed to there being accommodation for Parking Services in their building and she asked that consideration be given to retaining at least a partial Registration service at Woodgreen for the bereaved who preferred not to use the Welch Way office.

The Chair said that these points would be taken into consideration.

Resolved that Cabinet:

- a) Support Option 2 in section 4 to upgrade technology in the Council Chamber and Committee rooms plus modernisation of the Council Chamber and public spaces to create an attractive, flexible and publicly accessible space;

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- b) Confirm that, the first floor of 3 Welch Way offices will not be re-let when the current tenancy ends to enable use of this space for staff;
- c) Note that a report will be brought back for decision on the future letting options of Elmfield, to consider how that space is utilised;
- d) Delegate a final decision on a replacement heating solution to the Chief Executive in consultation with the Leader and Cabinet members for Climate Change and Finance;
- e) Recommend to Council to allocate £2.15m of funding from the Capital Programme “Investment Strategy for Recovery” line item to facilitate the changes and deliver up to £186,000 of net annual revenue benefits with a return on capital of up to 10% after capital financing costs.

37 Local Development Scheme (LDS) update

Councillor Rylett, Cabinet Member for Planning and Sustainable Development, introduced this item. He said that the aim was to submit the new Local Plan for examination by the end of 2023. The Salt Cross Garden Village Area Action Plan was due to be adopted during the autumn of 2022. Further consultation of the Developer Contributions Supplementary Planning Document was due to take place in August. Work will begin on the Hanborough Station Master Plan this summer with a decision being taken at a later stage about whether this should be a formal Supplementary Planning Document (SPD). Consideration is to be given to producing a new Statement of Community Involvement to reflect an increased digital process.

Councillor Al-Yousuf asked if Ward Councillors and the Parish Council could have a copy of the Hanborough Station Masterplan and, given the controversy around parking, whether funding could be found for the production of an SPD. Chris Hargreaves, Planning Policy Manager, undertook to provide copies of the Master Plan and to consider further the question of an SPD.

Resolved that Cabinet:

Approve the updated Local Development Scheme.

38 West Eynsham Masterplan

Councillor Rylett, Cabinet Member for Planning and Sustainable Development, reported that the Masterplan had been approved in March 2022 by the then Cabinet. However certain landowners had been excluded from the process so further discussions were needed. Councillor Levy said that this now needed to be progressed speedily. The original Masterplan was good, but if it did have to be revisited, developers should be encouraged to improve energy efficiency.

The Chair confirmed that the findings of the Scrutiny Committee would be taken into account and that Group Leaders would brief Members on issues surrounding land ownership.

Resolved that Cabinet:

- a) Note the content of the report;
- b) Agree that Officers should invite the four main landowners/developers responsible for the preparation of the masterplan to engage with all other third party landowners within the SDA boundary; and
- c) Agree that any updates/consequential amendments to the masterplan arising from that process of further engagement be reconsidered at a future meeting of the Cabinet.

39 Approval of Funding for West End Link Study

Councillor Duncan Enright left the Chamber at 2.42 pm.

Councillor Rylett, Cabinet Member for Planning and Sustainable Development, proposed that £15,000 from the Council's unallocated Housing and Planning Delivery Grant be used to part fund transport options appraisal relating to the West End Link.

Following questions from Councillors MacRae and Mead, Chris Hargraves, Planning Policy Manager, confirmed that the findings of this study would feed into the North Witney Development Masterplan. The failure of the Cogges Link project had demonstrated the importance of robust evidence. The total cost of the Study was in the region of £60,000 with the County Council funding the bulk. The results would inform both the County and the District Council.

Councillor Hill mentioned problems with securing funding for a study into flooding in Ramsden and was advised to take this up via the County Councillor.

The Chair emphasised the need to consider the bigger picture. He recognised that residents would have concerns and wanted to be sure that Cabinet had as much evidence as possible to inform further deliberations.

Resolved that the Cabinet:

Approve the release of £15,000 from the Council's unallocated Housing and Planning Delivery Grant (HPDG) to part fund the transport options appraisal work commissioned by Oxfordshire County Council.

Councillor Enright returned to the Chamber at 2.50 pm.

40 Investment Plan for UK Shared Prosperity Funding

Councillor Enright, Deputy Leader, said that the Council had been awarded £1m in funding over the next 3 years. A series of workshops had been held and he thanked the officers for their innovative approach to identifying projects and themes which will be included in the Council's Investment Plan.

In response to a question from Cllr Al-Yousuf, Councillor Enright confirmed that young people had been identified as key recipients.

Resolved that the Cabinet:

- a) Support the inclusion of the projects and interventions listed in this report in the Council's Investment Plan for the UK Shared Prosperity Fund.
- b) Delegate authority for the final approval of the Investment Plan submission and any subsequent amendments to it, to the Group Manager - Property and Regeneration in consultation with the Cabinet Member for Economic Development.
- c) Agree a variation and pay Publica the £20,000 revenue allocation from the UK SPF for Investment Plan preparation the application of which is to be approved by the Chief Finance Officer.
- d) Agree that 4% of the fund is used for administration of the Programme, with the total sum of £40,000 over the life of the project being paid to Publica to employ a shared UK SPF Programme Manager, to monitor and manage project progress and undertake the required reporting.
- e) Delegate authority for the award of contracts to consultants/contractors to deliver projects highlighted for delivery in 2022/23 to the Group Manager - Property and

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Regeneration in consultation with the S.151 Officer and the Cabinet Member for Economic Development.

41 Oxfordshire Food Strategy

Councillor Aitman, Cabinet Member for Stronger, Healthy Communities, said that it was a great shame that such a strategy is needed but sadly the situation was only going to get worse. She emphasised the importance of moving quickly. She noted that Witney Food Bank had recently advised that it was low on food stocks.

Resolved that Cabinet:

- a) Review and comment on the Oxfordshire Food Strategy: Part 1 including the principles and framework for delivery;
- b) Note that Part 2 will see the development of detailed action plans for partners involved in the strategy and that this will return to Cabinet, in the autumn;
- c) Note the grant allocation proposed by the County Council to assist with the development of Part 2.

42 West Oxfordshire Council Plan

The Chair emphasised the Cabinet's commitment to involving residents in the production of the Council's plan. In particular he was looking for both face to face and digital communications with Town and Parish Councils over the summer.

Councillor Mead queried the time table. The Chair explained the need to fit in with the Council's cycle of meetings but accepted that consultation may need to extend into September.

Resolved that Cabinet:

- a) Agree to a revision of the West Oxfordshire Council Plan.
- b) Agree to the development of an Action Plan setting out activity to be taken to deliver the priorities of the Council Plan.
- c) Agree to a programme of engagement that will inform the revision of the West Oxfordshire Council Plan and development of supporting Action Plan.

43 Budget Monitoring Report Year End outturn

Councillor Levy, Cabinet Member for Finance, thanked officers and the previous administration for ensuring the Council is in a sound financial position. Due to financial support from central government during COVID and the Council's low spending there is a surplus. It is however important to deliver the services that residents expect, particularly during a cost of living crisis. Also funding is needed to improve the Council's estate and work towards decarbonisation. An underspend of £300,000 in the year plus reserves there is £750,000 available for new initiatives. There was an underspend on capital of £14.4m which would be carried forward. It is important that the Chief Finance Officer has the flexibility to look for new opportunities. He added that there would be some difficult decisions ahead.

Resolved that Cabinet:

- a) Note the 2021/22 end of year financial performance.
- b) Recommend to Council to approve the carry forward of Capital Budget of £14,399,348 as detailed in Annex B

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- c) Recommend to Council to approve the transfers to and between Earmarked Reserves as detailed in the report
- d) Delegate authority to the Chief Finance Officer to spend from the Project Contingency Earmarked Reserve to fund ad hoc investigation, advice and consultancy services for potential investments and projects

44 Exclusion of Public and Press

Resolved that, in view of the likely disclosure of exempt information, as defined in paragraphs 1 and 2 of Part 1 of Schedule 12A to the Local Government Act 1972, the public were excluded from the meeting for the remaining item of business

45 Recovery and Investment Strategy Proposal

Councillor Enright, Deputy Leader, presented details of an investment opportunity in the strategic economic infrastructure of West Oxfordshire in line with the Investment Strategy for the Recovery of West Oxfordshire. The proposal was to acquire a site which supports the Council's priority for re-invigorating commercial centres and ensuring economic vibrancy. Independent advice would be sought on valuation and due diligence be carried with costs being charged to the Project Contingency Earmarked Reserve should the acquisition not be pursued. The Capital Programme Investment Board would be asked to comment on the proposal.

Councillor Al-Yousuf had a number of questions he would raise at a later date but at this stage wanted to query whether an independent valuation should be obtained from a different source and whether a second valuation might be advantageous. He also asked for assurances that the purchase would not proceed if due diligence identified concerns.

Councillor Levy confirmed that in addition to contributing to the regeneration of the town the purchase would have to make money for the Council. If this was not the case the acquisition would not proceed.


The Chair confirmed that the Council could walk away from the purchase if it was demonstrated not to be viable and drew attention to recommendation (c) in the paper.

Resolved that Cabinet:

- a) Approve the decision in principle to acquire the site in line with its priority for re-invigorating commercial centres and ensuring economic vibrancy;
- b) Confirm the proposed acquisition price subject to receipt of independent advice on valuation;
- c) Approve that appropriate due diligence be carried out noting that any costs incurred will be charged to the Project Contingency Earmarked Reserve should the acquisition not be pursued;
- d) Seek the views of the Capital Programme Investment Board on the proposal;
- e) Delegate to the Chief Executive in consultation with the Chief Financial Officer and the Cabinet member for Economic Development the final terms of the acquisition.

The Meeting closed at 3.25 pm

CHAIRMAN

 <p>WEST OXFORDSHIRE DISTRICT COUNCIL</p>	<p>WEST OXFORDSHIRE DISTRICT COUNCIL</p>
<p>Name and date of Committee</p>	<p>Cabinet - 17 August 2022</p>
<p>Report Number</p>	<p>Agenda Item No 6</p>
<p>Subject</p>	<p>Revised Draft Developer Contributions Supplementary Planning Document (SPD)</p>
<p>Wards affected</p>	<p>All</p>
<p>Accountable member</p>	<p>Councillor Carl Rylett, Cabinet Member for Strategic Planning Email: Carl.Rylett@westoxon.gov.uk</p>
<p>Accountable officer</p>	<p>Chris Hargraves, Planning Policy Manager Tel: 01993 861686 Email: Chris.Hargraves@publicagroup.uk</p>
<p>Summary/Purpose</p>	<p>To agree that a revised draft Developer Contributions Supplementary Planning Document (SPD) is published for the purposes of a six-week period of public consultation.</p>
<p>Annexes</p>	<p>Annex A – Consultation Summary Report Annex B – Revised Draft Developer Contributions Supplementary Planning Document (SPD)</p>
<p>Recommendation/s</p>	<p>That Cabinet:</p> <p><i>a) Note the content of the report including the consultation summary report attached at Annex A;</i></p> <p><i>b) Agree that the revised draft Developer Contributions Planning Supplementary Document (SPD) attached at Annex B is published for a six-week period of public consultation; and</i></p> <p><i>c) Authorise the Planning Policy Manager to make any minor factual/typographical amendments to the revised draft SPD, in liaison with the relevant Cabinet Member, prior to the public consultation taking place.</i></p>
<p>Corporate priorities</p>	<p>The revised draft SPD will help to meet a number of priorities of the emerging Council Plan.</p>
<p>Key Decision</p>	<p>No</p>
<p>Exempt</p>	<p>No</p>
<p>Consultees/ Consultation</p>	<p>A previous period of public consultation on the initial draft Developer Contributions Supplementary Planning Document (SPD) took place from 9th November 2020 – 21st December 2020. Annex A provides a schedule of the</p>

	responses received together with an Officer response highlighting where changes have been made to the SPD in response, or where no change has been made, the reason for that.
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I. INTRODUCTION

- 1.1. Developer contributions are made in order to mitigate the impact of new development. Typical examples include the provision of green space, school places and transport improvements.
- 1.2. There are several forms of developer contributions including Section 106 legal agreements, Section 278 agreements and the Community Infrastructure Levy (CIL) which is optional. Local authorities can also mitigate the impact of new development and enhance quality through the use of appropriate planning conditions.
- 1.3. To help explain how these various mechanisms are intended to co-exist and complement each other and, more specifically, what contributions will be sought in West Oxfordshire, the District Council is in the process of preparing a Supplementary Planning Document (SPD) on the topic of developer contributions.
- 1.4. The SPD is aimed at a broad audience including landowners and developers, statutory providers, partners, stakeholders, service providers, Town and Parish Councils and the local community.
- 1.5. Once adopted, the Developer Contributions SPD will sit alongside the Council's existing Affordable Housing SPD.

2. BACKGROUND

- 2.1. An initial draft version of the SPD was published for a six-week period of public consultation from 9th November 2020 until 21st December 2020.
- 2.2. 25 responses were received from a variety of Town and Parish Councils, developers and landowners, other local authorities, statutory bodies and individuals.
- 2.3. Annex A comprises a schedule of these responses (in full) together with the response of Officers. Where a change to the SPD has been made in response, this is clearly stated and conversely, where no change has been made, the reason for this is explained.

3. REVISED DRAFT DEVELOPER CONTRIBUTIONS SPD

- 3.1. It can be seen from the schedule of comments at Annex A that many of the responses received were generally supportive of the principle of the Council providing additional guidance on the topic of developer contributions.
- 3.2. Some respondents felt that the initial draft document was difficult to understand and so Officers have sought to purposefully make the document easier to understand and follow in terms of overall structure and content.
- 3.3. Inevitably, a number of responses touched on the issue of CIL, in particular the District Council's proposed exemption of the Local Plan strategic sites. As explained in the responses at Annex A however, that will be considered and ultimately determined through a separate process including independent examination – it is not a matter for the SPD per se.
- 3.4. A number of respondents from the development industry raised concerns that the SPD is seeking to introduce additional policy requirements outwith the Local Plan process

contrary to legislative requirements. To address this, the revised draft SPD makes it clear which aspects/policies of the Local Plan 2031 any specified requirements relate to.

- 3.5. Some concerns were also expressed on the grounds of double-counting or double dipping, whereby the District Council secures money from both CIL and Section 106 and spends it on the same item of infrastructure (thus the developer pays twice). However, as set out in the response schedule at Annex A, changes to the CIL regulations in 2019 have clarified that local authorities are perfectly able to spend monies from both CIL and Section 106 on the same item of infrastructure. There is therefore no prospect of double counting as has been suggested.
- 3.6. Many of the other points raised, including those raised by Oxfordshire County Council, were general points of clarification or updating and the SPD has been revised accordingly.
- 3.7. Additional text has also been added to the revised draft SPD to emphasise the importance of early engagement with Town and Parish Councils and other key stakeholders in determining potential requirements – to address a concern raised by some that this wasn't adequately addressed in the initial draft version.
- 3.8. One of the appendices from the original draft has been removed in the interests of brevity and to avoid unnecessary repetition. Two brief additional Appendices have been added in relation to potential monitoring costs and to provide a copy of a sample draft indemnity agreement.

4. NEXT STEPS

- 4.1. Subject to the agreement of Members, the revised draft SPD will be published for a further period of public consultation (6-weeks) after which point, any further responses and potential changes will be considered before Members are asked to formally adopt the SPD.
- 4.2. At that point the SPD will become a material consideration in the determination of relevant planning applications.

5. FINANCIAL IMPLICATIONS

- 5.1. The report raises no direct financial implications although the SPD is intended to help the District Council secure contributions to provide appropriate and necessary mitigation of the impacts of new developments.

6. LEGAL IMPLICATIONS

- 6.1. A Supplementary Planning Document carries material weight when considering planning proposals and developer contributions/planning obligations to mitigate the impacts of a development. The SPD has been prepared in accordance with due process.

7. RISK ASSESSMENT

- 7.1. The report raises no specific risks.

8. EQUALITIES IMPACT

- 8.1. The report raises no specific implications on the basis of any particular protected characteristics.

9. CLIMATE CHANGE IMPLICATIONS

- 9.1. A number of the impacts of development, for example, impacts on habitat, sustainable transport patterns, efficient use of land, dealing with waste, will in turn affect the causes and effects of climate change but can be mitigated by requiring contributions to help off-set the harms arising.

10. ALTERNATIVE OPTIONS

- 10.1. The Council could choose to not prepare a Supplementary Planning Document (SPD) on the topic of developer contributions.

11. BACKGROUND PAPERS

- 11.1. None.

ANNEX A

**West Oxfordshire District Council
Developer Contributions Supplementary Planning Document (SPD)
Consultation Summary Report**

August 2022

1. Introduction

- 1.1 The District Council is in the process of preparing a supplementary planning document (SPD) on the topic of developer contributions. Consultation on an initial draft version of the SPD took place from 9th November 2020 - 21st December 2020.
- 1.2 In accordance with the District Council's adopted Statement of Community Involvement (SCI) a broad range of stakeholders were notified and invited to comment on the initial draft SPD, including elected Members, Town and Parish Councils, statutory and non-statutory consultees and individuals who have expressed a wish to be involved in such matters.
- 1.3 In response, consultation responses were received from 25 individuals/Parish Councils/ or organisations as follows:
 1. Aston, Cote, Shifford and Chimney Parish Council
 2. Bampton Parish Council
 3. Barton Willmore on behalf of Goldfield Estates and Pandora Properties (Jansons)
 4. Blenheim Estates
 5. Bloombridge
 6. Blue Cedar Homes
 7. Charlbury Town Council
 8. Crawley Parish Council
 9. David Locke Associates
 10. David Miles
 11. Edgars on behalf of Burrington Estates Midlands Ltd
 12. Eynsham Parish Council
 13. Gladman Developments

14. Harry St John
15. Inspired Villages
16. Rosalind Kent
17. Natural England
18. NHS Oxfordshire Clinical Commissioning Group
19. Oxfordshire County Council
20. Prior + Partners on behalf of Grosvenor
21. Ruth Smith
22. Sport England
23. Turley on behalf of North Witney Land Consortium
24. Vicky Gwatkin
25. Witney Town Council

1.4 The purpose of this schedule is to set out the issues raised through these responses and explain how they have been taken into account by the District Council in preparing the revised draft of the developer contributions SPD which will be the subject of a further period of public consultation before the Council looks to adopt the final version.

Aston, Cote, Shifford and Chimney Parish Council	
Issues raised	WODC response
As a guide to WODC's approach to securing the new and improved infrastructure necessary to support future growth through developer contributions (CIL and 'planning obligations' - Section 106 and Section 278 money), the proposed document is actually quite useful.	Support noted and welcomed.
The Parish Council therefore welcomes this specific document and offers no further comment on the content per se, but reiterate the earlier concerns over the proposed charging schedule expressed in the letter sent in August 2020 in response to the first consultation. Specifically 'why the 5 strategic sites in the District will be exempt from CIL altogether, thus surrendering £40 million of potential revenue to the pockets of the developers rather than addressing the already alarming infrastructure funding gap alluded to previously.	Comment noted. The introduction of CIL including the rates to be applied to any strategic sites is the subject of a separate process. No change to the SPD needed.
Bampton Parish Council	
Issues raised	WODC response
<u>Viability</u> We are concerned that this clause can be used as way to avoid all CIL payments. Developers can simply claim that their scheme cannot 'afford 'such payments and then have the obligation to pay them revoked. We understand this has already been the case with several large upcoming schemes. There seems little point in having legislation to compensate communities if there is a loophole which can easily be exploited	Comment noted. The SPD reflects the national policy position on viability which is that it is established at the plan-making stage and that it will be for individual applicants to demonstrate that there are particular circumstances to warrant a bespoke viability assessment in support of a particular application. No change to the SPD needed.
<u>CIL on smaller developments</u> We are very concerned that the CIL will be levied on smaller as well as larger housing schemes. This penalises exactly the sort of development that helps villages grow organically. By imposing the CIL on even single dwellings, it will discourage small developments, including self-build. Having to pay an extra £20,000 or so on just one house will very likely make such plans unviable.	Comment noted. The nature of CIL is such that it is intended to apply to various scales of development. Notwithstanding this, the introduction of CIL including the rates to be applied to any smaller sites is the subject of a separate process.

<p>It seems unfair and counterproductive to force small developers to pay the CIL when the larger ones seem to be able to argue their way out of paying their fair share. The consequence of penalising smaller developments, which could be distributed through a number of villages, is that only the larger schemes will go forward. These will all be focussed on villages in the Lowlands Area, which have already taken the brunt of considerable development. It is our view that developments of under 2 houses should not have to pay the CIL.</p>	<p>No change to the SPD needed.</p>
<p><u>Distribution of the CIL</u></p> <p>Given that the CIL is designed to compensate communities for development, it seems unreasonable that a mere 15% is earmarked for the community, via the Parish Council. This means that 85% can be removed and spent outside the locality. This contradicts the whole idea of the CIL. We suggest at least 50% is given to the Parish Council so they can make real and local compensation.</p>	<p>Comment noted. The proportion of CIL apportioned to Town and Parish Councils is established through national legislation.</p> <p>No change to the SPD needed.</p>
<p>Barton Willmore on behalf of Goldfield Estates and Pandora Properties (Jansons)</p>	
<p>Issues raised</p>	<p>WODC response</p>
<p>On behalf of our Clients Goldfield Estates Ltd and Pandora Properties Ltd (Jansons Property), we are pleased to set out below representations in response to West Oxfordshire District Council's (WODC's) consultation on the draft Developer Contributions Supplementary Planning Document (SPD). Jansons Property supports the preparation of a Developer Contribution SPD to help provide certainty and guidance on the general approach to requests for contributions and the application of a proportionate approach to ensure obligations are fair, reasonable and justified in accordance with the tests set out in Regulation 122(2) of the Community Infrastructure Level Regulations 2010 (as amended).</p> <p>As a developer with land interests within the West Eynsham Strategic Development Area (SDA), Jansons is committed to working collaboratively with WODC and indeed other stakeholders, including the local community, to ensure the timely delivery of the SDA consistent with Local Plan aims and objectives to meet local need.</p> <p>Evidence commissioned by WODC indicates that the five SDA's in the Local Plan, including the West Eynsham SDA, have marginal negative viability due to the significant infrastructure requirements associated with opening up the site and delivery. On this basis, the emerging CIL Charging Schedule consulted upon by WODC earlier in the year proposes a zero CIL charge for the Local Plan SDA's. This is supported by Jansons.</p>	<p>Support for preparation of the SPD noted.</p> <p>The comments in relation to CIL are also noted although the introduction of CIL including the rates to be applied to any strategic sites is the subject of a separate process.</p> <p>No change to the SPD needed.</p>

<p>However, in this context Jansons consider that there is a need for flexibility and a more bespoke approach in relation to infrastructure funding and delivery at strategic site allocations, such as the West Eynsham SDA, having regard to the need for comprehensive development, the potential for phased delivery by different landowners and viability considerations.</p>	
<p><u>Relationship with CIL</u></p> <p>Jansons welcome the recognition in the draft Developer Contributions SPD that the Community Infrastructure Levy (CIL) (when adopted) together with planning obligations and planning conditions are intended to co-exist as different forms of developer contribution.</p> <p>Changes made to the CIL regulations in 2019 have introduced the possibility to use funds from both CIL and S106 planning obligations to pay towards the same item of infrastructure regardless of how many planning obligations have already contributed.</p> <p>This provides WODC and Oxfordshire County Council (OCC) with much more flexibility on how contributions can be spent. Jansons support WODC's proposals to flexibly use CIL receipts where necessary to support the broader provision of key infrastructure improvements across the District including where there is a shortfall of funding secured through planning obligations and/or other sources of funding may exist.</p> <p>Whilst the SDA is CIL exempt, it is recognised that CIL receipts from other, non-strategic, development within the district and specifically within the Eynsham Area could proportionately contribute to facilitate and support the delivery of wider strategic infrastructure as may be required.</p> <p>The publication of an Infrastructure Funding Statement will be an important mechanism to monitor CIL and S106 planning obligations and their expenditure against infrastructure items. This will increase transparency and accountability to give communities, but also developer partners, a better understanding of how developer contributions are being used to deliver infrastructure in an area. It should also assist in mitigating the potential risks of double counting contributions via CIL and S106 Obligations towards the same piece of infrastructure.</p>	<p>Comments noted. The introduction of CIL including the rates to be applied to any strategic sites is the subject of a separate process.</p> <p>The infrastructure requirements associated with the West Eynsham SDA will be determined through the planning application process in the context of an agreed site-wide masterplan.</p> <p>In terms of the issue of 'double counting' this is no longer a concern, with changes to the CIL regulations in 2019 confirming that funds from both CIL and S106 planning obligations can be used to pay for the same item of infrastructure.</p> <p>No change to the SPD needed.</p>

<p>Jansons request this requirement is identified more explicitly in section 2 ‘What are Developer Contributions?’ and reference is added to confirm that Strategic Development Areas in the Local Plan are proposed to have a zero CIL rating.</p>	
<p><u>Strategic Development Areas</u></p> <p>The Local Plan allocates five strategic site allocations (East Witney, North Witney, East Chipping Norton, Salt Cross Garden Village and West Eynsham) within West Oxfordshire which are vital for the delivery of new homes including affordable housing to meet West Oxfordshire’s housing needs.</p> <p>Except for the Garden Village, which will be informed through the preparation and examination of an Area Action Plan, the strategic site allocations are expected to be led by an agreed masterplan and through the preparation of site-specific Development Framework SPDs.</p> <p>The SPDs will identify supporting infrastructure and planning obligations for each respective allocation, and as a result have the potential to overlap with the emerging Developer Contributions SPD. Jansons highlight the need for consistency and clarity in the approach between these emerging SPDs and the requirements for developer contributions.</p> <p>The Developer Contributions SPD adopts a simple, high level approach to the identification of infrastructure and the mechanism to be used to secure appropriate contributions based primarily on the scale of development proposed.</p> <p>Whilst this may be effective for smaller scale development, for strategic site allocations in the Local Plan, Jansons consider a site-specific approach towards a S106 Agreement would be more appropriate and allow for a bespoke tailoring of infrastructure demands, phasing and triggers to ensure they are funded, viable, and critically delivered, when required.</p> <p>It is accepted that, to ensure comprehensive delivery of a strategic allocation and Local Plan policy requirements, it will be necessary to consider the need for applications to provide a proportionate contribution towards wider strategic infrastructure items. The SPD should however recognise the potential for strategic sites to be delivered in this way and the available mechanisms to enable appropriate contributions to be secured from individual phases of delivery.</p>	<p>Comments noted. The developer contributions SPD provides a necessarily broad overview of the type of developer contributions likely to be sought from new development in West Oxfordshire.</p> <p>The revised draft SPD makes it clear that the actual ‘package’ of developer contributions that is ultimately secured will depend on a number of factors including the type, scale and location of development.</p> <p>In respect of the West Eynsham SDA, the District Council is no longer pursuing a supplementary planning document but has agreed a developer-led masterplan which, along with the West Oxfordshire Local Plan 2031, provides an indication of the potential infrastructure requirements needed to support the delivery of the site.</p> <p>This will provide the context for future discussions regarding the package of infrastructure needed and how/when it will be delivered.</p> <p>No change to the SPD needed.</p>

<p>Flexibility to allow for a more bespoke approach for strategic allocations is considered beneficial for several reasons, it would:</p> <ul style="list-style-type: none"> • provide an opportunity to explore alternative approaches to infrastructure delivery which are often only achievable through development at scale. • facilitate and enable the phased delivery of strategic sites, particularly where they are in several different ownerships and/or being brought forward by a series of independent applications. • enable developer contributions on strategic site allocations to be negotiated on a case by-case basis to allow flexibility, for example, where strategic infrastructure requirements relate to more than one development proposal and costs are required to be apportioned on a pro-rata basis having regard to the impact of the proposed development of each site and the appropriate phasing of infrastructure delivery or, where one development provides early infrastructure to support the delivery of a strategic allocation to satisfy, 'a wider than site' generated need which is then able to be offset against future planning obligations. <p>Jansons continues to work closely with WODC and OCC to bring forward an optimal solution for the West Eynsham SDA and its supporting infrastructure to ensure the comprehensive, but timely, delivery of viable, high quality and sustainable development on this important allocation. Jansons recognise that much of this will be identified as work continues and evolves on the West Eynsham SPD and site-specific evidence base to meet the objectives for the SDA.</p>	
<p><u>Custom/Self Build Housing</u></p> <p>In accordance with Local Plan policies, the strategic development areas are required to set aside 5% of developable plots for those wishing to undertake custom or self-build housing. Having regard to the scale of these allocations and given the anticipated phased delivery via individual applications, the suggested Developer Contributions SPD threshold of applying this to applications for 100 or more homes is not considered to be appropriate for the strategic allocations.</p> <p>The strategic allocations are required to be delivered in accordance with an agreed masterplan. It is envisaged that such a masterplan will provide an appropriate mechanism to identify the optimum locations within an SDA for the delivery of self-build and custom plots rather than through individual phased applications which independently may not provide the necessary quantum of plots to cluster custom/self-build units.</p>	<p>Comments noted.</p> <p>The 100 dwelling threshold has already been established through Local Plan Policy H5 - Custom and Self Build.</p> <p>No change to the SPD needed.</p>

<p><u>Transport and Movement</u></p> <p>The Developer Contributions SPD provides generic guidance on anticipated on- and off-site improvements to the highway network, public transport and healthy and active travel on a case-by-case basis. This is supported.</p> <p>There is however no reference to how these contributions may, or may not, tie in with wider investment, for example the HIF funding secured to delivery improvements to the A40. This should be explicitly referred to within the SPD.</p>	<p>Comments and support noted, however given that the purpose of the SPD is to provide clear information on the types of developer contribution likely to be sought in West Oxfordshire rather than what they will be specifically spent on/used to deliver, there is considered to be no need to refer to specific projects such as the HIF Smart Corridor A40 improvements.</p> <p>No change to the SPD needed.</p>
<p><u>Indoor/Outdoor Sport and Leisure Facilities</u></p> <p>It is recognised in the supporting text to these infrastructure items that additional work has been commissioned by WODC to evidence future needs for sport and leisure facilities and that this will be reflected in any further update to the Developer Contributions SPD.</p> <p>Jansons caution however a prescriptive adoption of a standardised approach in the interim and suggest that the need for sport and recreation facilities and the opportunities for new provision is more flexibly considered on a case-by-case basis determined by a quantitative and qualitative assessment of the local need.</p> <p>In the context of strategic sites, it is requested that delivery of such infrastructure items is considered comprehensively on an allocation wide basis to enable appropriate provision to be secured across an allocation, with contributions to funding made by several landowners where appropriate. Furthermore, we would recommend the SPD includes further flexibility to enable consideration of the potential to co-locate facilities to accommodate a multi-functional range of education, sport, leisure and community services.</p>	<p>Comments noted. The revised draft SPD makes it clear that the actual ‘package’ of developer contributions that is ultimately secured will depend on a number of factors including the type, scale and location of development.</p> <p>However, it is considered beneficial to provide an indication of the quantitative standards to be applied to the provision of indoor and outdoor sport and leisure facilities.</p> <p>As set out in the SPD, this will be based on the 2015 Fields in Trust publication; ‘Guidance for Outdoor Sport and Play; Beyond the Six Acre Standard augmented by specific local evidence of need as appropriate.</p> <p>No change to the SPD needed.</p>

<p><u>Other Green Space/Play Space</u></p> <p>In keeping with comments made above, the provision of other green space and play space will need to be considered as part of individual phased applications but also comprehensively when such applications form part of the phased delivery of a wider strategic allocation.</p> <p>It is recognised that WODC have commissioned updates to their evidence base to refine the emerging open space/sports provision standards, however, in the context of the West Eynsham SDA. Jansons object to the emerging conclusions of the West Eynsham Area Infrastructure Delivery Plan (July 2020) which seek to align open space requirements (including the delivery of allotments) with the emerging requirements for the Garden Village.</p> <p>The SDA is an urban extension to Eynsham, falls outside of the Government’s Garden Community Programme and therefore does not carry with it the exemplar Government expectations and principles for new garden communities. The open space requirements, including the provision of allotments, should therefore be consistent with the standards proposed for other SDA’s rather than linked with the Garden Village requirements. Jansons request the Developer Contributions SPD recognises this to ensure the same standards are applied to the West Eynsham SDA as the other SDAs rather than aligning with the Garden Village.</p>	<p>Comments noted.</p> <p>The revised draft SPD makes it clear that provision at Salt Cross Garden Village will be guided by the Area Action Plan (AAP) and any quantitative and qualitative requirements contained therein.</p> <p>No change to the SPD needed.</p>
<p><u>Summary</u></p> <p>The Developer Contributions SPD adopts a simple, formulaic approach to the identification of infrastructure and the mechanism to be used to secure appropriate contributions based primarily on the scale of development proposed.</p> <p>Whilst this is effective for smaller scale development, the approach is considered too simplistic in the context of the delivery of Local Plan SDAs where a site-specific approach towards a S106 Agreement would better allow for a bespoke tailoring of infrastructure demands, phasing and triggers associated with key infrastructure items to ensure they are funded, viable and delivered when required.</p> <p>The delivery of the allocated SDAs in the West Oxfordshire Local Plan is intended to be led through the preparation of agreed masterplans and SPDs to guide comprehensive development by setting out key objectives and principles to be addressed as individual applications are taken forward.</p>	<p>Comments noted. The developer contributions SPD provides a necessarily broad overview of the type of developer contributions likely to be sought from new development in West Oxfordshire.</p> <p>The revised draft SPD makes it clear that the actual ‘package’ of developer contributions that is ultimately secured will depend on a number of factors including the type, scale and location of development.</p> <p>In respect of the West Eynsham SDA, the District Council is no longer pursuing a</p>

<p>Emerging SDA SPDs are expected to include content relating to the provision for supporting infrastructure and planning obligations thereby overlapping with the emerging Developer Contributions SPD.</p> <p>Jansons highlight the need for consistency in the approach and requirements for developer contributions between these emerging SPDs. In the case of development at Eynsham, the approach to securing infrastructure funding and delivery will need to reflect the joint working with WODC, OCC and the strategic scale of development proposed within Salt Cross Garden Village and the West Eynsham SDA, recognising that some elements of strategic infrastructure may be shared.</p>	<p>supplementary planning document but has agreed a developer-led masterplan which, along with the West Oxfordshire Local Plan 2031, provides an indication of the potential infrastructure requirements needed to support the delivery of the site.</p> <p>This will provide the context for future discussions regarding the package of infrastructure needed and how/when it will be delivered.</p> <p>No change to the SPD needed.</p>
Blenheim Estates	
Issues raised	WODC response
<p>Firstly, Blenheim Estates welcomes West Oxfordshire's intention to adopt a Supplementary Planning Document with the aim of providing for clarity and efficiency in respect of Developer Contributions. An adopted Developer Contributions SPD has the potential to provide for increased certainty. This is an important factor in respect of planning for sustainable development, especially in respect of larger, more complex developments, and is to be welcomed.</p> <p>It is noted that the draft SPD refers to the proposed CIL rates and that these are subject to examination and adoption.</p>	<p>Support noted.</p>
<u>Balancing Flexibility and Certainty</u>	Comments noted.
<p>Development will only take place when it is economically viable for it to take place.</p> <p>Whilst, to some degree, high house prices in West Oxfordshire result in relatively high gross returns from private house sales, other factors, including the very high cost of land, the need to subsidise the provision of affordable housing, investment into high quality development and addressing climate change, the need to enhance biodiversity, the need to invest in education, highway safety and other things, the high and</p>	<p>Other than CIL (which is a fixed rate and not yet in place in West Oxfordshire) the nature of such contributions is such that the SPD cannot specifically identify or differentiate between areas where there is</p>

<p>increasing costs of materials and labour, the need to invest large sums of money for long periods of time prior to making returns, all add up to make development a high risk, long term business.</p> <p>To be helpful and useful, the adopted SPD should provide for clarity, address uncertainty and make it absolutely clear which areas will remain to be negotiated and will therefore remain uncertain. Whilst it is important that the adopted SPD allows for appropriate flexibility – as the world is dynamic – it is also important that it identifies those areas where there will be little/no headroom for debate; and those areas which, in reality, will remain entirely negotiable and therefore, uncertain.</p> <p>In this regard, it is important that the adopted SPD does not simply identify what currently happens. The reason for producing the SPD is to make a positive difference, to provide for certainty and ultimately, to provide for good development. If the adopted SPD does not achieve these three things, then it will have failed.</p>	<p>scope for negotiation and where there is not.</p> <p>Every S106 agreement is negotiated on a case by-case basis as it needs to take into account the provision available at the time of determining the application</p> <p>It is therefore not possible to provide absolute certainty on what the S106 contributions will be needed in advance as they are, by definition, both scheme and time specific.</p> <p>However, the SPD has been drafted to assist developers and communities better understand what policy areas require S106 contributions to be sought.</p> <p>Ultimately, the actual ‘package’ of developer contributions that is ultimately secured will depend on a number of factors including the type, scale and location of development.</p> <p>No change to the SPD needed.</p>
<p><u>Two Tier Approach</u></p> <p>The two tier authority approach in West Oxfordshire results in considerable uncertainty in respect of developer contributions – as not only does a developer need to work with both the District and County Councils, but there is also a need to liaise with several different local government departments, all with their own ideas in respect of what a developer contribution should comprise.</p>	<p>Comments noted.</p> <p>Addressing the nature of the existing local government structure in Oxfordshire is beyond the scope/remit of the SPD.</p>

The draft SPD fails to resolve the uncertainty that arises in this case. Taking the example of education, the draft SPD effectively states that developers should negotiate with the County Council on a case by case basis. This does not provide for any certainty but continues an inefficient process.

Further to the above, there is little sense in the draft SPD of how planning obligations as a whole will be split – between CIL payments, 106 payments and affordable housing contributions. This process is currently inefficient in West Oxfordshire and means considerable uncertainty in respect of large, complex developments.

The draft SPD must seek to properly address this issue – rather than just flag up what currently happens – if it is to be a useful document and facilitate the planning and development process rather than make it an increasingly adversarial one as is currently becoming, as more layers are added to the contribution debate.

As stated before clarity is important and no grey areas between what is s106 and what is CIL should remain.

We are currently aware of situations where full CIL will be levied AND what is effectively a full s106 package, this cannot be fair or desirable and will result in conflict and delivery delay.

CIL, as originally envisaged was supposed to introduce certainty, the SPD should recognise this and not create local confusion!

However, the revised draft SPD has been drafted in such a way that it is very clear in which circumstances, the County Council may also seek developer contributions, with appropriate cross-references to OCC requirements and guidance provided throughout the document.

In terms of the relationship between Section 106 agreements and CIL, the revised draft SPD explains this position clearly – essentially that the two regimes are intended to co-exist alongside one another with Section 106 focused on site-specific matters and CIL being a more general funding pot that is able to be spent on a wider, district basis.

There is no ‘grey area’ between the two with the CIL regulations as amended in 2019 confirming that both CIL and Section 106 monies are able to be spent on the same item of infrastructure.

No change to the SPD needed.

<p><u>Affordable Housing</u></p> <p>Taking affordable housing as an example. Affordable housing takes many forms and continually changing national policy means that the definition of affordable housing is dynamic.</p> <p>Blenheim Estates has evolved an affordable housing model that can provide for a greater discount to market rents than some registered providers, on significantly higher quality housing developments than some registered providers. At the same time as providing for certainty, we consider that an adopted SPD should provide for the quality and relative cost (to tenants) of new affordable housing should be taken into account in any calculation of planning gain (proceeds of CIL, 278, 106 etc) via developer contributions.</p> <p>Failure to do this runs the risk of developers choosing to choose the lowest-cost approach to affordable housing, to simply tick the percentage provision required, regardless of quality or rents charged. The draft SPD currently appears not to fully recognise that developer contributions are not simply about attracting a sum of money, but they form part of the whole process of good planning. Blenheim Estates would like to see recognition in the SPD of the importance of developer contributions being part of a sustainable approach to good planning.</p>	<p>Comments noted. The District Council has adopted a separate Supplementary Planning Document (SPD) on the topic of affordable housing – October 2021.</p> <p>The revised draft developer contributions SPD provides a broad overview of affordable housing requirements reflecting the requirements of Local Plan Policy H3 – Affordable Housing.</p> <p>The SPD makes it clear that the actual ‘package’ of developer contributions that is ultimately secured will depend on a number of factors including the type, scale and location of development.</p> <p>No change to the SPD needed.</p>
<p><u>Other</u></p> <p>As set out, much of the draft SPD just appears as a long list of costs to set against development, which is fine on the basis that all of the various potential obligations are identified, but there is insufficient recognition in the document that planning obligations are finite. If every cost identified was levied on every site, development in West Oxfordshire would slowly cease, land supply targets would fall behind and planning will revert to the situation we had locally a few years back of planning by appeal.</p> <p>The Viability chapter is written as though all development in West Oxfordshire will inevitably be viable <i>“Given that the West Oxfordshire Local Plan was adopted recently (September 2018)”</i> and from the basis that all development is the same. The reality is that the world is dynamic. What was viable in September 2018 is not the same is what is viable in a Covid-19 world; and all development schemes are not equal.</p>	<p>Comments noted. The SPD has been amended to make it clear that not all of the potential contributions identified will be relevant to all development proposals and that the actual ‘package’ of developer contributions that is ultimately secured will depend on a number of factors including the type, scale and location of development.</p> <p>With regards to viability, the revised draft SPD reflects the national policy position that viability is established at plan-making stage and that and it will be for individual</p>

<p>There is little if anything in the draft SPD that sets out why its approach will result in better, higher quality, more sustainable, more socially, economically and environmentally beneficial development. It is important that the SPD does not simply appear as a long list of general requirements subject to numerous vague, uncertain and inefficient negotiations.</p> <p>Rather, the SPD should clearly set out why it comprises a positive framework that will encourage all new development to seek to achieve higher goals in respect of delivering the kinds of places where today's and future generations will want to spend their lives. If the SPD is not integral to creating better, more sustainable places, it will have failed.</p> <p>Whilst policy must be based on the best information available from the past, it needs to be applied in today's and tomorrow's world. Change seems to be taking place faster than ever, not least as we, rightly, move to a world of zero carbon, home working and a focus on biodiversity and environmental gain, amongst many other things. The SPD needs to get the balance right between certainty and the need for change going forward. It must therefore be far more than a rigid tick box exercise – which seems to be a very real danger – in order to prevent this.</p>	<p>applicants to demonstrate that there are particular circumstances to warrant a bespoke viability assessment in support of a particular application.</p> <p>The costs of delivering a workable, high quality development should be anticipated and reflected in the price paid for land and not reduce the ability of a site to provide what is required under the planning obligation.</p> <p>This is reflected in the Government's practice guidance on viability which states that the total cost of all relevant policy requirements including contributions towards affordable housing should be taken into account when defining benchmark land values.</p>
<p>Bloombridge</p>	
<p>Issues raised</p>	<p>WODC response</p>
<p>The SPD could address the following matters:</p> <ol style="list-style-type: none"> 1. There should be a clear statement that decisions on developer contributions are solely for the District Council, albeit with advice from other public sector partners, and having regard for all other material planning considerations. 2. The division between CIL and S106 needs to be very clearly defined to avoid delay and double counting. Large developments (eg of 300 houses or more) should be CIL exempt 	<p>Comments noted.</p> <p>The SPD is considered to be sufficiently clear in terms of the role of the District Council and other relevant partners in relation to developer contributions.</p> <p>With regard to CIL, this is not yet in place in West Oxfordshire. Any CIL charge applicable to large developments will be determined through a separate process.</p>

Generally, to achieve greater certainty and speed in decision making, there may be other ways (than an exemption for large development) to reduce the scope of the SPD, accepting that this is also part of the intended function of CIL.

3. On off-site biodiversity, the calculations are often complex and somewhat arbitrary. It may be simpler, and therefore aid faster decision making, if the SPD just listed a cost per unit for off-site biodiversity. As per education, a bespoke approach could be adopted for proposed allocations, not least because this would introduce an element of competition to promote biodiversity among sites competing for a local plan allocation.

4. Nonetheless, we would encourage some flexibility within the SPD for developers to offer more than the SPD requires or in a different, perhaps more localized way. This would encourage Localism – ie developers engaging with local communities to address specific needs through housing or other development. The law is clear that developers can offer more than a local authority can require (Lord Hoffman in Tesco, 1995) yet many authorities tend to resist such ‘planning gain’ (often to the detriment of community-led development).

5. In a similar vein to Point 3, the SPD should specifically provide for enabling development, where development proceeds can be used to fund local and/or specific needs by off-setting contributions set by the SPD. It follows that, whilst the explanation of the relationship between CIL, planning obligations and planning conditions, starting at paragraph 2.18, is unquestionably correct, we would say that, if the SPD is going to aid decision making, then it needs to set out and specify how West Oxfordshire will apply the various options.

Our main point is that CIL is not applied to large scale development. Moreover, to ensure consistency, there may be merit in delaying the adoption of the SPD till it can dovetail precisely with West Oxfordshire’s CIL regime.

On the specifics, Part 3 of the SPD deals with what developer contributions will be sought in West Oxfordshire. We have the following comments: 1. On affordable housing for small unit schemes, it would be helpful to include the Council’s definition of GIA within the guidance; ie confirming that it is just the livable space, excluding outbuildings etc.

In terms of double counting, changes to the CIL regulations in 2019 have removed the prospect of double counting by confirming that Section 106 and CIL monies can be spent on the same item of infrastructure.

In terms of biodiversity, the revised draft SPD makes it clear that the required financial contribution for off-site biodiversity net gain will be based on the number of biodiversity units and an agreed per unit cost.

The SPD is also clear that the actual ‘package’ of developer contributions that is ultimately secured will depend on a number of factors including the type, scale and location of development.

Comments noted in relation to the issue of Gross Internal Area (GIA). A footnote has therefore been added to confirm that GIA will be based on the RICS Code of Measuring Practice.

In terms of education contributions, the revised draft SPD provides an overview of the contributions likely to be sought with cross-references to more detailed, separate guidance which has been produced by Oxfordshire County Council as the local education authority - [Developer](#)

<p>On primary and secondary school contributions, we would suggest that much more certainty is required. There is an inference that the County will change the contributions and review the costs on a case by case basis. Paragraph 9.12 also includes too much flexibility around whether a new school would be required or not. Our preference, to aid forward planning, would be for the pupil yield and costs per unit to be set out in the SPD and then applied following clearly specified guidelines. Education contributions are increasingly a cause for delay around Oxfordshire. Part of the problem has been the difference between the costs of school extensions compared with the much higher total cost of a new school. Given new allocated large scale sites are likely to be the predominant provider of new schools (not least because they will provide the school site), the simple solution would be to set a policy that carves out new housing allocations for bespoke negotiations with County Education, with all other sites picking up a contribution rate set by the SPD or CIL</p> <ul style="list-style-type: none"> • We support the use of CIL for health care, fire, policing and ambulance contributions, subject to viability testing. • The importance of high speed broadband in a rural district such as West Oxfordshire, we wonder whether the District Council uses CIL to pump prime a partnership with a fibre provider. This would deliver very wide ranging benefits to local communities, schools and businesses. 	<p>Guide to Infrastructure Delivery and Contributions which was adopted in 2021.</p> <p>Developers should refer to it and contact the County Council at early stages of their schemes to discuss education contributions including for example yields and costs.</p> <p>The support for the potential use of CIL receipts for health, fire, policing and ambulance is noted.</p> <p>The comments in relation to broadband are noted. The revised draft SPD clearly sets out the Council’s position on this issue in line with the NPPF and Policy OS2 of the Local Plan 2031.</p> <p>The potential future use of CIL receipts towards broadband provision would be a separate consideration.</p>
<p>Blue Cedar Homes</p>	
<p>Issues raised</p>	<p>WODC response</p>
<p>The explanatory text refers to Policy H3 and housing schemes within the AONB of 6-10 units and floorspace of no more than 1000m² making a contribution towards affordable housing ‘off-site’. This is taken from a previous iteration of the NPPF (para 63), 2018. Since then, the NPPF has been updated and whilst the unit threshold has remained – that is less than 10 dwellings – the floorspace threshold has been removed (para 63, NPPF, Feb 2019). The text should be updated to reflect this.</p>	<p>The explanatory text set out in the SPD reflects Policy H3 of the adopted Local Plan. This is consistent with paragraph 64 of the NPPF (July 2021) which refers to the application of lower thresholds in designated rural areas.</p> <p>No change to the SPD needed.</p>

Charlbury Town Council	
Issues raised	WODC response
<p>Charlbury Town Council (CTC) welcomes the opportunity to comment on the draft Supplementary Planning Document (SPD) – “Developer Contributions” issued for public consultation by West Oxfordshire District Council (WODC).</p> <p>We support the purpose of the document to set out in a transparent manner the approach to be taken by WODC to secure new and improved infrastructure to support future growth in the District. Within this context we believe that the document provides a useful reference for the varied target audiences offering clarity in this complex area. We agree that the document clearly states WODC’s position in line with national and local policy.</p> <p>Overall, we support this document and welcome the comprehensive coverage of areas for which developer contributions will be sought as set out in part 3 of the draft SPD. However, we do have a few specific concerns and comments which are set out in sections 2 to 6 below.</p> <p>Amongst the areas for which contributions will be sought we are particularly pleased to note the high priority given to public transport (paras 10.13 to 10.23), healthy and active travel and travel planning (paras 10.24 to 10.33) and to environmental issues (section 12).</p>	<p>Support noted.</p> <p>The revised draft SPD has been further refined to ensure that it is simple and easy to understand for a wide audience.</p>
<p>Paragraph 2.6 of the draft SPD sets out the proposed CIL rates as defined in the proposed CIL Charging Schedule and this includes a zero rate for strategic development sites. During consultation on the charging schedule, Charlbury Town Council submitted objections to this zero rating and this remains a matter of considerable concern to CTC. Whilst we accept that strategic developments will be expected to make major contributions to infrastructure through planning obligations, we believe that such obligations will not adequately address incremental infrastructure requirements such as drainage and highways. Planning obligations are required to meet the tests set out in paragraph 2.14.</p> <p>Whilst many requirements (e.g. schools, medical and sports facilities, play areas) can readily be related to the proposed developments, some cannot. General capacity requirements for drainage, utilities, roads and transport across the region arise cumulatively as a result of all developments and funding for the associated improvements should reflect this. CIL is uniquely suited to addressing these requirements, being based on development footprint and not being tied to the paragraph 2.14 tests. Removing CIL completely from the</p>	<p>The comments in relation to CIL and the potential exemption of strategic development sites are noted.</p> <p>The introduction of CIL including any potential exemptions are the subject of a separate process including independent examination having regard to all relevant evidence including viability in particular.</p> <p>No change to the SPD needed.</p>

<p>most significant developments (which will self-evidently have the greatest impact on these incremental requirements) could seriously endanger the ability to secure and maintain adequate and reliable infrastructure capacity into the future.</p> <p>We are particularly concerned about water supply and waste water treatment where we feel that the requirement set out in paragraph 18.4 (for developers to work in partnership with utility providers) is too weak. In this regard we are particularly mindful of current serious concerns regarding water quality in local water courses, often the result of raw sewage release. Development growth will tend to exacerbate this issue and it is therefore essential for the matter to be addressed in a consistent and comprehensive manner. We fear that the zero rating of strategic developments for CIL may undermine this.</p> <p>We are also concerned that some wider infrastructure implications of strategic developments may not be immediately apparent or not obviously related to the development and may therefore be omitted from planning obligations. As an example relating to Charlbury, the East Chipping Norton development is likely to generate additional demand for rail travel from Charlbury station with knock-on impacts on traffic and car parking. [Note: CTC raised this specific issue during consultation on the East Chipping Norton development and we note that this has been recognised in the summary report (June 2019) from that consultation].</p>	
<p>As CIL contributions are not specifically related to individual requirements, clarity and transparency over the decision-making process for allocating these funds to specific projects is particularly important.</p> <p>We acknowledge that this matter has been addressed to some degree in the draft SPD but we would welcome further clarity. For example, how will priorities be determined for public transport improvements? In particular, we believe that the role of town and parish councils in influencing such decisions should be encouraged and acknowledged.</p> <p>In its role as a rural service centre, Charlbury provides many benefits to the wider community which, in turn, have infrastructure implications that should be taken into consideration when allocating these funds. For example:</p> <p>As a major railway hub in the north of the district, the impact of traffic, bus links and car parking are important considerations (see also 2 above);</p>	<p>The comments in relation to the use of CIL funds are note. At this point in time, WODC does not yet have CIL in place with the examination and adoption of a CIL charging schedule, the subject of a separate process.</p> <p>The revised draft SPD provides a broad indication of the potential use of CIL funds (on the basis that the District Council still intends to introduce CIL) but the detail of future expenditure would be set out in the District Council’s separate Infrastructure Funding Statement (IFS).</p>

<p>The modern, high-specification sports hall at Charlbury Community Centre attracts many users from neighbouring villages and towns with implications for traffic, transport and car parking.</p>	<p>No change to the SPD needed.</p>
<p>We note the list in paragraph 3.6 of other documents of relevance to future infrastructure requirements and developer contributions including made neighbourhood plans. As you will know, the draft Charlbury Neighbourhood Plan 2031 is currently under examination and we are hopeful that, subject to referendum, it will become a made plan during 2021. Once this occurs, the plan should be included in the above reference list within this SPD.</p> <p>Charlbury Town Council has also prepared an Infrastructure Delivery Plan (IDP), which is included as an appendix within the draft Charlbury Neighbourhood Plan 2031. We request that this IDP, which will be subject to regular review by the town council, is also referenced in paragraph 3.6.</p>	<p>Comment noted. In the interests of brevity, the previous section outlining the policy context has been removed from the revised draft SPD.</p> <p>However, as the Charlbury Neighbourhood Plan has now been made (adopted) it forms part of the statutory development plan for West Oxfordshire and will therefore be a material consideration for any future planning decisions.</p>
<p>We welcome the requirements for affordable housing provision in line with the adopted West Oxfordshire Local Plan. Due to Charlbury's location within the Cotswolds AONB there are unlikely to be many opportunities for developments exceeding 10 properties (with the possible exception of Rural Exceptions Sites) and therefore the inclusion of a requirement for contributions to off-site affordable housing provision for developments of 6-10 homes is welcome.</p> <p>However, we would wish to encourage consideration of on-site provision for such sites where possible in line with meeting Charlbury's local housing need in support of the town's Rural Service Centre role. This matter is explored extensively in the emerging Charlbury Neighbourhood Plan 2031.</p>	<p>Support and comments noted.</p> <p>The revised draft SPD reflects the requirements of Policy H3 of the Local Plan which does not require on-site provision for schemes of 6-10 units.</p> <p>The adopted Charlbury Neighbourhood Plan states that proposals for affordable housing schemes will be supported where they meet the requirements of Policy H3 of the West Oxfordshire Local Plan.</p> <p>No change to the SPD needed.</p>

<p>Charlbury has extensive sports and leisure facilities including a modern sports hall within the Charlbury Community Centre built with wide support locally and from Sports England. This facility, which is highly regarded, attracts users from around the district and beyond and is a significant asset for the District helping to meet requirements of the wider community and deserving of support from developer contributions to reflect increased demand resulting from new developments.</p> <p>However, this sports hall, plus other facilities in Charlbury are not mentioned in section 11 of the SPD and we ask that paragraph 11.7 in particular is corrected in this regard.</p> <p>Assuming that Charlbury is considered to be in the north of the district, there are in fact 2 sports halls in the north including Charlbury Community Centre. Furthermore, the principal sports and leisure facilities in Charlbury, including the Charlbury Community Centre and Nine Acres Recreation Ground, are not education sites. Charlbury Community Centre is maintained and run on a not-for-profit basis by the local Thomas Gifford Trust.</p>	<p>Comments noted.</p> <p>The text set out in the revised draft SPD reflects the District Council’s most recent evidence on indoor sports provision.</p> <p>No change to the SPD needed.</p>
<p>Crawley Parish Council</p>	
<p>Issues raised</p>	<p>WODC response</p>
<p>Crawley parish Council would like to make the following suggestions for developer contributions. A general contribution should be made by all developers to an ongoing pooled fund for cycleways and improved safety for walkers across the entire district/county. All new developments must fund or have fibre to the door broadband connectivity.</p>	<p>Comments noted. The revised draft SPD sets out the circumstances in which planning obligations will be sought towards cycling and walking infrastructure and also the potential use of future CIL receipts where appropriate.</p> <p>In terms of broadband, this is also covered in the section dealing with utilities with a clear expectation that appropriate provision is made in line with the NPPF and Policy OS2 of the Local Plan 2031.</p> <p>No change to the SPD needed.</p>

David Locke Associates	
Issues raised	WODC response
<p>The purpose of the SPD - to inform applicants of the likely level of planning obligations that can be expected from proposed developments – is welcomed. The provision of new and improved infrastructure to support development within the District is supported, and a central theme of HLM’s overarching approach to ensuring balanced and sustainable new development.</p>	<p>Comments and support noted.</p>
<p><u>S106 and CIL</u></p> <p>The District Council should ensure that the application of CIL, alongside S106 contributions, do not overlap and unnecessarily burden development so as it to make it unviable. Government guidance is clear that plan makers should consider the combined total impact of planning obligations so they do not undermine the deliverability of the plan (MHCLG Guidance Planning Obligations Paragraph: 003 Reference ID: 23b-003-20190901). Planning obligations must be necessary, directly related to the development, and fairly and reasonably related in scale and kind to the development.</p>	<p>Comments noted.</p> <p>The importance of viability and the interrelationship of CIL and Section 106 are fully understood and clearly explained in the revised draft SPD as are the statutory tests that will be applied to the use of planning obligations.</p> <p>No change to the SPD needed.</p>
<p><u>Shortfall of funding</u></p> <p>HLM supports the District Council intention to potentially consider using a proportion of its CIL receipts to support the delivery of infrastructure across the District including where a shortfall of funding secured through planning obligations and/or other sources of funding may exist. This is especially the case to support larger, strategic development sites within the Council.</p>	<p>Support noted.</p> <p>No change to the SPD needed.</p>
<p><u>Education / transport</u></p> <p>The Councils intention to consider whether there is a legitimate and demonstrable need to be flexible in seeking obligations is welcomed. The intention to consider planning obligation contribution on a case-by-case basis, for example in relation to education provision or transport infrastructure, is supported.</p>	<p>Support noted.</p> <p>No change to the SPD needed.</p>

<p><u>Sports Hall Provision</u></p> <p>In relation to sports hall provision it is noted that the existing stock is old, with the majority not having any modernisation since they were opened. The Councils approach should be tailor to seeking a financial contribution to improve existing provision and deficiencies, before seeking to secure new on-site indoor sports and leisure facilities as part of large residential developments.</p>	<p>Comment noted.</p> <p>The District Council is in the process of developing a Built Indoor Sports Facilities Strategy for the District (due for adoption spring/summer 2022). From this, an action plan will be established detailing improvements to be made to the current leisure stock, along with the demand analysis based on housing growth in the District.</p> <p>The revised draft SPD makes it clear that in some instances, a financial contribution may be preferred to on-site provision.</p>
<p><u>Play areas</u></p> <p>It is noted that the approach to play areas sets out different provision requirements for different sizes of residential development.</p> <p>For example, very large residential schemes of more than 500 homes, it highlights that the Council will seek to secure a Neighbourhood Equipped Area for Play (NEAP) as part of the development based on a quantitative requirement of at least 0.25 ha per 1,000 population.</p> <p>Whilst HLM supports the integration of play areas within residential developers this approach should be mindful that it does not set out a new formulaic approach within a supplementary planning document.</p> <p>Government guidance is very clear that it is not appropriate for plan makers to set out new formulaic approaches to planning obligations in supplementary planning documents or supporting evidence base documents, as these would not be subject to examination. (MHCLG Guidance: Planning obligations - Paragraph: 004 Reference ID: 23b004-20190901).</p>	<p>WODC welcomes in principle HLM's support for the integration of play areas in residential developments and the Council is aware that a SPD itself should not make new policies.</p> <p>Local Plan Policy EH5 (Sports recreation and children's play) requires development, where appropriate, to provide or contribute towards the necessary improvements to open space, sports and recreational building(s) and land.</p> <p>The revised draft SPD simply provides an indication of the different scales of development at which certain types of play area provision are likely to be sought.</p>

	<p>Given the age of the Council’s existing evidence, it is considered appropriate to reference the standards set out in the 2015 Fields in Trust publication; <u>‘Guidance for Outdoor Sport and Play; Beyond the Six Acre Standard’</u>.</p> <p>The District Council is in the process of preparing a Built Indoor Sports Facilities Strategy (BISFS) and Playing Pitch Strategy (PPS) for the District which, as set out in the revised draft SPD, will also be taken into account once approved.</p> <p>No change to the SPD needed.</p>
<p><u>Public realm improvements and public art</u></p> <p>Whilst the provision of public realm improvements and public art is supported, the intention to seek their provision and maintenance on larger residential developments of more than 50 homes through a Section 106 legal agreement may not always be the most appropriate approach.</p> <p>It is considered that there may other mechanisms for its provision, such as a public art contribution fund, whilst its provision will not always be appropriate in every situation.</p>	<p>Comments noted.</p> <p>Paragraph 126 of the NPPF states that the ‘creation of high quality beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve’. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.</p> <p>The NPPF and Local Plan policy OS4, OS5 and EH4 are the policy basis for public realm and public art contributions being sought where appropriate.</p>

	<p>The wording of the revised draft SPD is purposefully flexible to enable negotiation around the most appropriate form of contributions e.g. on-site or a wider financial contribution.</p>
<p><u>Primary and Secondary Health Care</u></p> <p>The District Council should consider the appropriateness of developer contributions towards the primary and secondary health care which is already funded through other more appropriate sources.</p>	<p>Comments noted. Paragraph 20 of the NPPF requires strategic policies to make sufficient provision for community facilities including health care provision.</p> <p>Paragraph 20 of the NPPF and Local Plan Policy OS5 provide the policy basis for seeking health contributions where appropriate.</p> <p>The District Council has successfully secured a number of health related contributions previously thereby also creating a good degree of precedent.</p> <p>No change to the SPD needed.</p>
<p>David Miles</p>	
<p>Issues</p>	<p>WODC response</p>
<p>I am responding today in my capacity as Parish Transport Representative for Witney. I am also a volunteer with West Oxfordshire Community Transport and a Director at First and Last Mile CIC striving to find ways forward.</p> <p>I shall concentrate my reply on public transport as this is the field where I have been the PTR for 30 years.</p>	<p>Comments noted.</p> <p>WODC will continue to work in partnership with the County Council, developers, local councils and operators to increase the use of bus rail and community transport.</p>

The end of bus subsidies in July 2016 left many communities in West Oxfordshire bereft of public transport. Only commercially viable services survived and the establishment of the Comet service could not possibly fill these gaps.

Some services have survived however through section 106 contributions. In West Oxfordshire this has helped to fund services like the 15, 19, X9 and especially the 233. Developer funding is a very important tool available. The County Council control the spending of section 106 on public transport.

Progress has undoubtedly been made in clearing a large backlog of funding which had built up over several years but millions remain undistributed. This is very frustrating for local communities. There has never been a public consultation process in place for section 106 contributions and parishes are encouraged to be grateful for what they can get.

This is not always what is wanted or needed however. In many ways problems result not from the commitments made in the document but from the failure to implement them. There are too many examples of developments taking place without section 106 mitigations in place.

This can be illustrated by current examples:

1) WINDRUSH PLACE

This large strategic site has almost £1,000,000 in section 106 contributions for public transport but has only seen £85,000 spent on 2 bus stops. Development has long since breached the criteria of being more than 400 metres/440 yards from a bus stop.

The intention is that the S1 is extended into the estate and most people would welcome this. Centenary Way has still to be completed however and it is unlikely in my opinion that Stagecoach will alter their service without funding. This means that a temporary shuttle service provided by either a commercial operator or community transport and funded by section 106 is sorely needed.

This large pot is to be subsumed into one giant pot for all the strategic sites along the A40 corridor. There has to be a risk that the comprehensive service promised does not get delivered.

2) COLWELL GREEN

Planning obligations sought towards public transport provision must be in accordance with the Regulation 122 CIL Tests and to accord with national planning policy and the local plan policies towards more sustainable travel modes and developments.

The use of contributions which have been secured by Oxfordshire County Council towards public transport is outside the control of WODC and the scope of the SPD.

It is relevant to note that OCC is now required to publish an annual Infrastructure Funding Statement (IFS) to ensure greater transparency in relation to developer contributions received and how they have been spent.

In terms of the comments made regarding CIL, once introduced, as set out in the revised draft SPD, it may be possible for CIL receipts to potentially provide some support towards public transport. Oxfordshire County Council (OCC) is the responsible authority for delivery of key highways and public transport infrastructure.

Around £120,000 in section 106 at the last count allocated separately from Windrush Place for a service for Downs Road. The money has been promised for the 233 despite this not serving the development operating along the Burford Road . This would require the crossing of 3 busy roads to access these stops.

If the 233 is diverted I have no objection to the money going on the 233 but I believe otherwise this is a breach of terms. Any service needs to be of value to the development and that means it must actually serve Downs Road.

3) LINDEN GARDENS

This development was actually opposed by the County Council on the grounds of being too far from buses to Witney and Oxford but nevertheless approved. There is £33,000 for a bus service but this is not enough on its own to pay for a specific service.

WOCT will from next year run a Carterton Town Service supported by the Town Council however. This service will pass close to Linden Gardens and could be diverted to it. OCC will not use the section 106 for the only service which could realistically serve it however or indeed use any section 106 for a town service. What then will happen to this money?

4) FREELAND

The 11 was withdrawn in May 2019 by Stagecoach. WOCT planned to offer a replacement service but this was effectively vetoed by the County Council who refused both the normal concessionary fare rebate and any section 106. All the section 106 goes to the 233.

There were developments in Long Hanborough and particularly at Shepherds Walk in North Leigh which could have supported the 11. The WOCT service would have directly served these which the 233 doesn't. The 11 was seen as unhelpful to the development of the 233 even though OCC were fully aware that most people in the villages preferred a proportion of the monies to be diverted. Shouldn't section 106 go to the service which serves it rather than one in the vicinity but further away?

4) STANTON HARCOURT

There is at last checking at least £26,000 for a service courtesy of the airfield development. OCC have identified it as an area of concern and have considered diverting a 19 or a demand response service. Several operators have considered a service but nothing has happened.

It might be difficult to get a commercial operator even with section 106 to offer much of a service but something needs to be done. The money for a service needs to be used.

6) BRADWELL VILLAGE

How was this housing estate built in the middle of nowhere without having a bus service provided as this clearly runs contrary to the guidelines. What is going to be done to rectify this and offer a service to both the estate and the Cotswold Wildlife Park?

I note that CIL could be used to build up a fund for bus services in the district not supported by section 106 and this has to be welcomed. It is unlikely to supplant section 106 however. If this means WODC taking a more active interest in local bus services it will not be before time.

There is a lot of work to be done to repair the damage caused by the loss of bus services but a lot of local support is available if it is utilised.

In summary then I do not object to the principles outlined in the document but I expect them to be implemented. Whether or not development on this scale is a good thing or not it does represent an opportunity to right wrongs. That opportunity must be taken.

Edgars on behalf of Burrington Estates Midlands Ltd	
Issues	WODC Response
<p>Thank you for the opportunity to comment on the Draft Developer Contributions SPD.</p> <p>The following comments are made on behalf of Burrington Estates Midlands Ltd who currently have a development interest at Swinbrook Road Carterton and have a planning application pending.</p> <p>Following a review of the Draft SPD it is apparent that the majority of developer contributions, such as those relating to play, sport, transport and education, will continue to be sought via a S106 agreement and that CIL will be additional to these contributions.</p> <p>Through the recent planning application at Swinbrook Road Carterton it is apparent that requested contributions (including play, sport, transport and education) can amount to over £20,000 per plot and CIL would therefore be additional.</p> <p>Edgars understand however that the viability assessment used to support the Council's proposed CIL charging rates assumed an S106 contribution figure of £10,000 per plot.</p> <p>Based on the Council's current Draft SPD the actual S106 requirement for major developments will be far in excess of that assumed for CIL viability purposes.</p> <p>The current approach the Draft Developer Contributions SPD appears therefore to be at odds with the CIL viability evidence and likely therefore to render development unviable.</p> <p>The approach under the Draft SPD should be reviewed to ensure consistency with the approach used under CIL and reduce the burden of contributions once CIL and S106 are combined to ensure the approach remains viable overall.</p>	<p>Comments noted.</p> <p>The introduction of CIL is a separate process and the assumed costs set out in the supporting viability evidence will be considered at examination in due course.</p> <p>No change to the SPD needed.</p>

Eynsham Parish Council	
Issues raised	WODC response
<p>Eynsham Parish Council wish to make the following comments:-</p> <ol style="list-style-type: none"> 1. The document is tailored more to developers than it is to local councils. This is evidenced by the lack of a process, tailored guidance or a pro forma for requesting developer contributions. 2. More ‘joined-up’ work and liaison is required with WODC on funding requirements. 3. A zero-rated CIL for strategic sites is objected to as it does not make provision for the impact of the development on the local community. 	<p>Comments noted. The revised draft SPD has been worded in such a way as to be accessible and understandable to a broad audience.</p> <p>The District Council already works very closely with Eynsham Parish Council including monthly Officer liaison meetings.</p> <p>Additional text has however been included in the revised draft SPD to emphasise the importance of early dialogue with Town and Parish Councils and other relevant stakeholders (see Section 23).</p> <p>The proposed exemption of strategic sites from having to pay CIL is a separate matter to be considered through independent examination in due course.</p>

Gladmans	
Issues raised	WODC response
<p><u>Introduction</u></p> <p>This representation is submitted in response to West Oxfordshire’s Developer Contributions Supplementary Planning Document (SPD).</p> <p>Gladman have considerable experience in dealing with Planning Obligations and the Community Infrastructure Levy (CIL) across the country and these representations are based on our knowledge of the system and lessons learned from our experience.</p> <p><u>Purpose of Supplementary Planning Documents</u></p> <p>Gladman take this opportunity to remind the Council that SPDs cannot be used as a fast track mechanism to set policies and should not be prepared with the aim of avoiding the need for examination or reinventing existing planning policy which should be examined.</p> <p>SPDs are not subject to the same degree of examination and consultation as policies contained in Local Plans and therefore should only provide additional guidance to those bringing forward development proposals across the District.</p> <p>The National Planning Policy Framework (NPPF 19) confirms this where it defines SPDs as:</p> <p><i>“documents which add further detail to the policies in the development plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary Planning Documents are capable of being a material consideration in planning decisions but are not part of the development plan.”</i></p> <p>The role of the SPD should therefore seek to provide guidance on existing planning policy contained in the adopted Development Plan. It is important to note that this does not present an opportunity to reinvent the existing planning policies contained in the Local Plan.</p>	<p>The comments raised are noted.</p> <p>In terms of the first substantive point, the revised draft SPD does not seek to create or reinvent planning policies.</p> <p>The document clearly explains how each requirement relates to the relevant policy of the local plan, providing additional detail as allowed for in the relevant legislation.</p> <p>With regards to the second substantive point, regarding the overlap between planning obligations and CIL, the focus of the revised draft SPD is primarily on planning obligations (in light of the fact that the District Council doesn’t yet have CIL in place) however the SPD provides an indication of where CIL receipts may be used in the future assuming CIL is adopted.</p> <p>There is no prospect of double counting or double dipping as suggested because changes to the CIL regulations mean that money from S106 and CIL can be spent on the same item of infrastructure.</p>

<p><u>Observations</u></p> <p>Gladman welcome the preparation of the SPD as it provides additional clarity and transparency beyond the policies contained within the Local Plan when it comes to the issue of Planning Obligations.</p> <p>However, Gladman has some concerns with the potential overlap between some of the elements that would be required through a Planning Obligation and those required under the Council’s Community Infrastructure Levy (CIL).</p> <p>The issue arises in relation to collection of S106 contributions for strategic transport schemes as stated in point 10.11, where the potential for double dipping is apparent:</p> <p><i>‘In addition to local transport mitigation which is directly related to the development, financial contributions towards strategic transport schemes will be required through a planning obligation for major and strategic scale development due to the impact of cumulative growth’.</i></p> <p>The CIL Regulations specifically seek to avoid ‘double dipping’ and it is considered that the SPD needs to be reviewed, to ensure that the potential double charging for a single contribution does not occur.</p>	
Harry St John	
Issues raised	WODC response
<p>I note in para 2.6 that the examination on the CIL Consultation paper has not in fact taken place yet as stated (October 2020).</p> <p>Given the many responses to that Consultation, the hearing may take some while and the outcome may change the current draft if the Inspector recommends changes and thus have a bearing on this paper.</p> <p>I am generally supportive of the 18 contribution headings in the paper and the types of contributions that should be sought from development. However I do have some particular comments on some headings, set out below:-</p>	<p>Comments and support noted. The progression of CIL is a separate subject but there is no reason why the SPD cannot be progressed in the interim.</p> <p>The CIL examination will focus primarily on the proposed CIL rates not how they may be spent (as indicated in the SPD).</p> <p>No change to the SPD needed.</p>

<p><u>CIL</u></p> <p>I support the policy that enables PCs to receive a proportion of the CIL receipts from development in their parish (min 15%).</p> <p>WODC should encourage all TCs and PCs to prepare and keep a list of what their communities need in the way of local infrastructure to ensure some element is not forgotten.</p> <p>Where housing schemes involve ten dwellings or less, part of the CIL due should be allocated to education, highways and public transport subsidy so that in effect every new home is making a contribution to these.</p>	<p>Comments noted.</p> <p>The apportionment of CIL receipts to Town and Parish Councils is determined through national legislation.</p> <p>A number of Town and Parish Councils have produced a schedule of potential infrastructure needs and requirements either formally as part of neighbourhood and community plans or informally.</p> <p>The forthcoming review of the West Oxfordshire Local Plan will be accompanied by an updated Infrastructure Delivery Plan (IDP) which will further consider specific needs.</p> <p>Additional text has been included in the revised draft SPD to emphasise the importance of early dialogue with Town and Parish Councils and other relevant stakeholders (see Section 23).</p> <p>In terms of the spending of CIL receipts, the SPD provides an indication of where such receipts may be used. Further information will be set out in the Council's annual Infrastructure Funding Statement once CIL is adopted.</p>
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<p><u>Viability</u></p> <p>In my view this section is in need of a rewrite – in my experience it is not the developer/housebuilder that actually bears the cost of S106 contributions. They may pay the money over to the Council, but it is the landowner who bears the actual cost because the price he/she gets paid for his/her site is reduced pro-rata by the amount the developer/housebuilder knows the S106 agreement requires to be paid. Indeed it is only right that the landowner should bear such costs because it is only as a result of the planning consent granted by the Council that his/her land has become much more valuable. In this part of England agricultural land (existing use) values are about £7K to £10K an acre or £17K to £25K per ha. Residential development land values have ranged from c.£400K to over £1m an acre depending on the facts.</p> <p>So that represents a simply massive increase in capital value and a source of additional value that can well afford to pay a greater share towards local infrastructure etc. It follows that there should be only very rare cases of viability arguments from a developer/housebuilder; if he has agreed to pay or indeed paid too much for the land that is his fault and is not a valid argument seeking to justify paying reduced S106 contributions.</p> <p>The reality is that that if a landowner is getting paid for example ten times the existing agricultural use value, he should be more than pleased. In practice in recent years many landowners have been receiving more like £400K to over £1m per acre depending on the facts/circumstances. That is up to 100 times existing use value. In many, if not nearly all, cases the landowners are still receiving the lions share of the uplift in value from agricultural /existing use to residential development value.</p> <p>In my view the community – who have created the additional value - should receive a larger share of this windfall but still leave the landowner with a handsome reward.</p>	<p>Comments noted.</p> <p>The revised draft SPD clearly sets out the position in relation to development viability with reference to the national policy position that viability is to be established at the plan making stage.</p> <p>The Local Plan 2031 was supported by a whole plan viability assessment which considered the issues raised in this comment including existing use values and the appropriate ‘uplift’ or benchmark land value.</p> <p>No further change to the SPD needed.</p>
<p><u>Affordable Housing</u></p> <p>I would like to see in particular rented affordable homes being more affordable than the current 80% of market rent. If as is the case in this part of England property prices and rents are especially high due to market demand and short supply, even 80% of high rents is still out of reach of many on the housing waiting list.</p> <p>WODC and Blenheim Estate have devised the so called Blenheim formula, with 50% to 60% of Market rents being set; this formula needs to be rolled out with other sites/owners wherever possible in WODC.</p>	<p>Comments noted.</p> <p>Affordable rent is defined as at least 20% below market rents. This does not mean that affordable rent will necessarily be 80% of the market rent and a greater amount of discount can be negotiated along with other tenures including social rent.</p>

<p>I am keen to see a more proactive policy on Exception sites to help generate more such small affordable sites in rural villages to help local people remain where they have their roots and family networks and support potentially shrinking local communities and services/shops etc.</p>	<p>At Salt Cross Garden Village, the draft AAP seeks to cap affordable rents at no higher than the relevant Local Housing Allowance (LHA) limit as well as seeking to secure a proportion of social rented accommodation.</p> <p>The Blenheim model is specifically cited in the Council's Affordable Housing SPD adopted in 2021.</p> <p>The comments in relation to rural exception sites are noted. Policy H3 of the Local Plan seeks to encourage and enable such provision and the intention is to consider further strengthening the Council's approach through the forthcoming review of the Local Plan.</p> <p>No change to the SPD needed.</p>
<p><u>The Environment</u></p> <p>I am very much in favour of contributions towards net biodiversity gain for each development being sought and welcome it applying on all schemes. I would like to see this being achieved by imposing specific planning conditions requiring pollinator friendly planting taking place within all development sites e.g plants, shrubs, and tree plantings within open space and landscaped areas and a 25% minimum proportion of wildflower meadows established in areas of open space.</p> <p>Suitable long term maintenance sums need to be secured to establish such plantings and the long term management of them and open spaces. In the past PCs or TCs were asked to take on the responsibility often with an inadequate sum – now they are reluctant to take on the liabilities and so housebuilders set up</p>	<p>Comment and support noted.</p> <p>The revised draft SPD explains that the focus for biodiversity net gain will be on-site with financial contributions towards off-site enhancements to be sought where appropriate.</p> <p>The SPD also explains that arrangements for the long term management and maintenance of this mitigation and net gain</p>

<p>management companies that may not be properly funded and are often an extra burden on the new residents rather than the wider community.</p> <p>Ensuring S106 funding for adequate surface water drainage and flood prevention must be paramount and adequate funding secured, including where necessary clearing of ditches off site to cater for enlarged flows.</p>	<p>may be secured through a S106 agreement where appropriate.</p> <p>The comments in relation to the water environment are noted. The SPD is clear that where necessary, the District Council will seek the provision of flood risk management and associated drainage infrastructure both on and off-site.</p> <p>No further change to the SPD needed.</p>
<p><u>Utilities</u></p> <p>In my opinion S106 money should be demanded of developments which have a significant impact on Foul Drainage infrastructure (sewers and STWs where relevant) and that money can then be spent by TW on immediate upgrades to sewers and/or STWs as required. The current time lag on such upgrade investment is wholly unacceptable and probably has contributed to serious additional pollution of our rivers eg Windrush and Evenlode.</p> <p>The ability to secure foul drainage contributions used to be the case until the rules were changed some years back and water undertakers have to bear all the costs; I believe that approach should be reversed to ensure more immediate funding from development for this vital utility and thus removed from any AMP expenditure budgeting programme devised by TW and OFWAT which is so often behind the curve.</p>	<p>Comments noted.</p> <p>New rules for charging for new water and sewerage connections are effective from April 2022.</p> <p>Developer Customers seeking connections to Thames Water’s infrastructure will have to pay an agreed charge for any necessary network reinforcement.</p> <p>This can be arranged on a per phase basis.</p> <p>The new arrangements also make provision for Developer Customers to work with a New Appointment and Variation (“NAV”), or a new service provider operating within the geographical area of an existing Water Company.</p>

	<p>Under the 2022 rules new water and sewerage connections will be agreed between Developer Customers and Thames Water (or a NAV) on a phase-by-phase basis.</p> <p>No change to the SPD needed.</p>
<p><u>Waste and recycling bins</u></p> <p>I am not certain whether housebuilders are required by condition to pay for the recycling and waste bins for each house they build but if that is not the case, then might I suggest that they should be required to do so either by condition or through a S106.</p>	<p>Comment noted.</p> <p>The revised draft SPD makes it clear that the Council will seek a planning condition and/or financial contribution for the provision of recycling/refuse containers on all residential developments where additional units are created.</p>
Inspired Villages	
Issues raised	
<p><u>Consultation Sequencing</u></p> <p>It is unclear why the Council chose to produce a Draft CIL Charging Schedule and affordable housing consultations separate from the Developer Contributions SPD consultation. Logically these should all have been conducted at the same time because it is clear WODC does not intend to reduce its s106 package once CIL has been adopted. Instead developers will be expected to continue to pay s106 contributions in the same way they did previously, whilst simultaneously paying CIL charge on top.</p> <p><u>Relationship with CIL</u></p> <p>Given the Council under-estimated the size of extra-care developments (see Inspired Villages representations dated 21 August 2020 to the CIL CS made by Irwin Mitchell on our behalf), the CIL viability appraisal only allowed £1,500 per extra care unit for s106 costs on <u>all Extra-Care developments</u>. This is the standard rate</p>	<p style="background-color: #d9ead3;">WODC response</p> <p>The comments regarding the sequencing of the Council's draft CIL charging schedule, affordable housing SPD and developer contributions SPD are noted.</p> <p>There is however nothing to suggest that these cannot be prepared separately. Indeed, the affordable housing SPD was successfully adopted in autumn 2021.</p> <p>Progress has been delayed with CIL but the District Council has now agreed to update</p>

<p>for market housing schemes of under 20 units. The average for market housing schemes of over 20 units was £5,000 per unit. There is a lack of clarity on costs for extra care schemes, principally because WODC and their advisors do not fully understand the extra care model, the different typologies of specialist accommodation for older people (e.g. retirement housing, extra care / retirement communities, care homes) and the different size and scales of such developments. Accordingly the evidence base is not adequate and the consequence of this is that WODC will develop a CIL CS and developer contribution SPDs which unduly penalize extra care accommodation.</p> <p>Para 2.6 includes the proposed CIL CS rates “for residential developments” which includes ‘extra-care housing’. Despite the Council’s own evidence base concluding extra care housing is not viable to pay a CIL rate, the Council has ignored its own evidence base and our representations in response to that consultation document. The consequence of £100psm for extra care housing <u>plus</u> S106 contributions <u>plus</u> 45% affordable housing will render schemes unviable.</p>	<p>its viability evidence with a view to progressing to examination and adoption.</p> <p>CIL viability evidence considers likely reasonable S106 contributions to determine what scope there may be to charge CIL alongside.</p> <p>Nowhere in the CIL regulations or practice guidance does it suggest that S106 contributions should be reduced to make room for CIL. They are clearly intended to co-exist alongside one another.</p> <p>The comments regarding the consultation on the draft CIL charging schedule are duly noted but are the subject of a separate exercise including, in due course independent examination.</p> <p>No change to the SPD needed.</p>
<p>Rosalind Kent</p>	
<p>Issues raised</p>	<p>WODC response</p>
<p><u>Community Infrastructure Levy (CIL)</u></p> <p>This procedure seems to make sense provided the legal procedure is secure and non-negotiable. Before a property is developed it is vital that the infrastructure be installed first e.g. drainage, schools, roads etc., to accommodate the extra burden on the locality. Affordable housing is a particularly important part of the infrastructure. Developers should not be allowed to opt out of any part of CIL after planning permission is granted. The key advantages of CIL are that the money is usually payable upfront and not restricted to projects immediately related to a development. This seems to suggest that given a choice between CIL and S106, the former should be preferred. I appreciate that this review does not refer to the zero rating that</p>	<p>The comments and ‘in principle’ support for CIL are noted.</p> <p>Once a charging schedule has been adopted it is non-negotiable (apart from limited exemptions). Money received by the Council through CIL would be put into a general infrastructure fund that will be used to fund a variety of new infrastructure</p>

<p>WODC has proposed for major developments, but can I take the opportunity to say how much I disagree with this proposal.</p> <p><u>Planning Obligations – Section 106 and Section 278 agreements</u></p> <p>This levy should be agreed <u>before planning permission is granted</u> and should subsequently be non-negotiable by law. It is crucial that WODC record precisely what money is due at each stage of a project, that such payments are contractually watertight, and that WODC collect such money and enforce any developer obligations. If this is not the case, the Council may have to spend a great deal of its own money on installing the missing infrastructure.</p>	<p>projects across the District, including a proportion for Parish and Town Councils.</p> <p>CIL can also be used to increase the capacity of existing infrastructure or to repair failing existing infrastructure, particularly if it is necessary to support development.</p> <p>In terms of the exemption of proposed exemption of strategic sites from CIL, that is subject to a separate process and will be considered as part of an independent examination in due course.</p>
<p>Natural England</p>	
<p>Issues raised</p>	<p>WODC response</p>
<p>While we welcome this opportunity to give our views, the topic this draft Supplementary Planning Document covers is unlikely to have major impacts on the natural environment. We therefore do not wish to provide specific comments, but advise you to consider the following issues:</p> <p><u>Biodiversity enhancement</u></p> <p>This SPD could consider incorporating features which are beneficial to wildlife within development, in line with paragraphs 8, 72, 102, 118, 170, 171, 174 and 175 of the National Planning Policy Framework. You may wish to consider providing guidance on, for example, the level of bat roost or bird box provision within the built structure, or other measures to enhance biodiversity in the urban environment. An example of good practice includes the Exeter Residential Design Guide SPD, which advises (amongst other matters) a ratio of one nest/roost box per residential unit.</p> <p><u>Landscape enhancement</u></p>	<p>The suggested issues are duly noted. In terms of biodiversity enhancement, this is addressed in Section 9 of the revised draft SPD. This will also overlap with the issue raised in terms of protected species.</p> <p>In terms of landscape enhancement, the issue of green infrastructure provision is dealt with in Section 8 of the revised draft SPD.</p> <p>No further changes needed to the SPD.</p>

The SPD may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green infrastructure provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider how new development might make a positive contribution to the character and functions of the landscape through sensitive siting and good design and avoid unacceptable impacts.

Protected species

Natural England has produced Standing Advice to help local planning authorities assess the impact of particular developments on protected or priority species

Strategic Environmental Assessment/Habitats Regulations Assessment

A SPD requires a Strategic Environmental Assessment only in exceptional circumstances as set out in the Planning Practice Guidance here. While SPDs are unlikely to give rise to likely significant effects on European Sites, they should be considered as a plan under the Habitats Regulations in the same way as any other plan or project. If your SPD requires a Strategic Environmental Assessment or Habitats Regulation Assessment, you are required to consult us at certain stages as set out in the Planning Practice Guidance.

Should the plan be amended in a way which significantly affects its impact on the natural environment, then, please consult Natural England again.

NHS Oxfordshire Clinical Commissioning Group	
Issues raised	WODC response
<p>We are pleased to see this draft document and have the following comments/suggestions:</p> <p>14.1 Suggested new wording: “Currently 10 GP practices are located in the West Oxfordshire District Council area. In addition, 2 community hospitals are located in the District in Witney and Chipping Norton.”</p> <p>14.4 Primary medical care (general practice) is commissioned locally by Oxfordshire Clinical Commissioning Group (OCCG). Other aspects of primary care (community pharmacy, dental and optometry services are commissioned by NHS England.</p> <p>14.5-14.6 I suggest delete these paragraphs as outdated Suggested replacement paragraph – “OCCG has agreed a new Primary Care Estates Strategy 2020 – 2025. This sets out the principles for estates development, including catering for population growth and making best use of external funding. OCCG have also agreed a prioritisation Scoring Tool for allocating resources.”</p> <p>14.7 Agree</p>	<p>Support noted and welcomed.</p> <p>The text of the revised draft SPD has been amended to reflect the various suggestions made.</p>
Turley on behalf of the North Witney Land Consortium	
Issues raised	WODC response
<p>It is essential that the preparation of this SPD should not fetter or obstruct in any way, the ability of the Local Plan to support sustainable development over the period to 2036. More fundamentally, we note that the SPD seeks to establish new policy requirements and expectations which are not contained within Development Plan Documents. We note that the PPG explains the role of SPDs and states that:</p> <p>“Supplementary planning documents (SPDs) should build upon and provide more detailed advice or guidance on policies in an adopted local plan. As they do not form part of the development plan, they cannot introduce new planning policies into the development plan. They are however a material consideration in decision-making. They should not add unnecessarily to the financial burdens on development.”</p> <p>Consequently, this SPD should only provide more detailed advice or guidance on policies in the adopted Local Plan. The SPD should not, as appears to be the case in some circumstances, seek to amend or change the requirements of the Local Plan.</p>	<p>The comments are noted and understood. The District Council is fully aware of the legislative requirements relating to supplementary planning documents. The SPD does not introduce any new policies – rather it provides further clarification as to how particular policies will be applied.</p> <p>The revised draft SPD has been amended so that it is clear which aspects of the document relate to which policies of the adopted local plan.</p>

<p>Whilst the SPD helpfully lists the documents it should be read in conjunction with, this fails to list the Council's draft Community Infrastructure Levy (CIL) Charging Schedule and supporting evidence base. The CIL Charging Schedule was due to be submitted for Examination in October 2020 however at the time of writing had yet to be submitted. Although the CIL Charging Schedule has yet to be examined, there is clearly an important relationship between the current SPD consultation and the emerging approach to CIL, which should be acknowledged by the SPD. It is assumed that by the time of the second round of consultation on the Developer Contributions SPD in Spring 2021 (if preparation of the SPD proceeds), examination of the CIL may have taken place and can therefore further inform this process.</p>	<p>Comments noted. The text of the revised draft SPD has been amended to provide a clear explanation of the current position in respect of the potential introduction of CIL in West Oxfordshire and its inter-relationship with other forms of developer contribution.</p>
<p>In relation to the North Witney SDA it is important to recognise that the Development Plan comprises both the Local Plan (2018) and the Hailey Neighbourhood Development Plan (2019) and this should also be acknowledged in the SPD, alongside any other made Neighbourhood Plans.</p>	<p>The comments are noted. In the interests of brevity, the policy section of the initial draft SPD has been stripped back but as an adopted Neighbourhood Plan, the Hailey Neighbourhood Plan will be a material consideration for any development proposals falling within its defined area.</p>
<p>The SPD does provide commentary to seek to clarify the role of CIL and Section 106 and their relationship to the SPD. In discussing the current draft CIL Charging Schedule, the SPD states: "It can be seen that the proposed CIL charges for larger residential schemes of 11 or more homes are much lower than smaller schemes of 1 – 10 dwellings.</p> <p>This reflects the fact that larger schemes make a much greater contribution through a planning obligation including for example affordable housing provision, transport improvements and sports and leisure facilities."</p> <p>It is concerning that this fails to recognise the onsite infrastructure required under the Local Plan to be delivered by the strategic sites, such as the northern distributor road for the North Witney SDA. Clearly these are significant additional costs experienced by these sites, as reflected in the draft CIL Charging Schedule and the proposed 'zero rating' of these sites, which should also be recognised by the SPD.</p>	<p>Comments noted. In the interests of brevity and reflecting the fact that the adoption of a CIL charging schedule (and any rates contained therein) is the subject of a separate process, this text has been removed from the revised draft SPD.</p>

<p>The SPD refers to the Council's starting point being that planning applications are viable given the viability assessment work undertaken at the Local Plan stage. It is important to recognise however that the Local Plan was examined under the National Planning Policy Framework (NPPF) 2012 and therefore was not subject to the same degree of viability assessment at the Examination stage as is now required under the NPPF 2018. The SPD should be updated to correctly reflect this position.</p> <p>It is important to note that the emerging CIL charging schedule has however been subject to detailed viability assessment, and this proposes that the SDA sites should be 'zero rated'.</p> <p>We have commented separately on the CIL charging schedule and its evidence base and as such do not repeat these comments here. It is however necessary to recognise that the current SPD consultation document has not been subject to any viability assessment. It is also unclear whether the requirements which it seeks to introduce have informed the CIL viability assessment.</p> <p>Concern is therefore raised that the current approach of the SPD at worst risks rendering key allocations in the Local Plan unviable and undeliverable; and at best significantly delays the delivery of the strategic allocations in the Local Plan whilst viability negotiations would be required to be undertaken for each individual site.</p> <p>If the Council's CIL evidence base recognises the significant infrastructure requirements placed upon the SDA's, then so should this SPD. In the absence of any additional or contrary viability evidence, we submit that the SPD must similarly result in a zero contribution requirement from the SDA sites as their infrastructure requirement will be met on site and secured through appropriate Section 106 Agreements.</p> <p>The Council's last five year housing land supply position was published in October 2019 with a base date of 1st April 2019 and concluded the Council could demonstrate a 6.8 year housing land supply. This supply assumed delivery of 2,150 dwellings from allocations in the Local Plan with that 5 year period, equivalent to 2.49 years of the Council's anticipated supply. Should the delivery of these sites be delayed by protracted viability discussions then this would impact on the Council's ability to demonstrate a five year housing land supply, particularly when the current flexibilities afforded by the Oxfordshire Growth Deal (including the requirement to only demonstrate a three year housing land supply), expire in March 2021.</p>	<p>Comments noted.</p> <p>The position relating to viability is clearly set out in the revised draft SPD with the general premise being that planning applications will be assumed to be viable.</p> <p>If there are site specific factors that mean the viability of a particular site differs significantly from that modelled in the whole plan viability testing, applicants can submit a viability appraisal setting out the reasons that necessitate a site-specific viability appraisal, for which the applicant will bear the cost.</p> <p>The comments relating to CIL are noted however, the adoption of CIL is a separate process to the SPD and the proposed zero rating for the SDAs will be the subject of independent examination in due course.</p> <p>SPDs cannot set new policy and as such it is not necessary or appropriate to undertake a separate viability assessment of the SPD.</p> <p>There appears to be a concern that the SPD as drafted will result in a huge cost burden that will cause problems in terms of deliverability and viability.</p> <p>The revised draft SPD makes it clear that the items contained within it will be the subject</p>
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	<p>of negotiation – it is not intended to be a composite list of everything that will be required on every site on every occasion.</p>
<p>The introductory sentence to the SPD states that the purpose of the SPD is:</p> <p>“to set out in a transparent manner, the approach that will be taken by West Oxfordshire District Council in securing new and improved infrastructure to support growth in the District through the use of planning obligations and the Community Infrastructure Levy (CIL).”</p> <p>As clearly demonstrated below, the SPD fails to meet this aspiration and instead introduces greater uncertainty regarding the deliverability and viability of the SDA sites in particular, and therefore raises doubt regarding the Council’s ability to meet its adopted Local Plan requirements.</p> <p>Based on the information provided in Part 3 of the SPD it appears the North Witney SDA could be expected to provide the following infrastructure components (in addition to the requirements set out in the Local Plan Policy WIT2):</p> <ul style="list-style-type: none"> • Indoor sports and leisure facilities • Outdoor sports facilities • Play provision to include LAP, LEAP, NEAP and MUGA (although play space is assumed to be required as part of the SDA, the SPD seeks to introduce significantly greater requirements) • Amenity greenspace, natural and semi-natural greenspace, and formal parks and gardens (although open space is assumed to be required as part of the SDA, the SPD seeks to introduce significantly greater requirements) • Community facilities • Community services including libraries, adult and children support services and museums • Burial space • Primary health care – including the potential requirement for provision of land or buildings • Secondary health care • Contributions towards extra care housing, care/nursing homes, adult and social care and family • Fire and Rescue – including the potential requirement for provision of land or buildings 	<p>The comments are noted.</p> <p>The primary concern appears to be the extent of infrastructure requirements/ components that could be sought in relation to the North Witney SDA.</p> <p>However, it is important to note that, as is clearly explained in the revised draft SPD, not all of the potential contributions identified will be relevant to all development proposals and that the actual ‘package’ of developer contributions that is ultimately secured will depend on a number of factors including the type, scale and location of development.</p> <p>It is also relevant to note that a number of these items will in any case have a very modest impact on viability.</p> <p>As an example, any requirement for a contribution towards policing and ambulance could for example be in the form of a shared touch down space within a community building.</p> <p>The SPD does not introduce additional policy requirements and clearly explains</p>

- Policing/community safety – including the potential requirement for provision of land or buildings
- Ambulance service – including the potential requirement for provision of land or buildings

As set out previously in these representations, the SPD should not seek to establish new policy requirements and expectations which are not contained within Development Plan Documents. Furthermore the SPD provides no clarity on the scale of contribution (financial or otherwise) which would be sought from the SDA sites in relation to the above and it is apparent this approach has not be subject to viability assessment.

Notably a significant proportion of the additional requirements which the SPD seeks to introduce may seemingly be required to be delivered on the SDA sites themselves. There is no evidence to confirm that these are required, or would meet the statutory CIL tests.

Notwithstanding our in principle objection to this approach as already stated, the Council have provided no assessment of the implications of these additional requirements on the quantum of development that the SDAs could be expected to deliver. The SPD risks rendering the Local Plan undeliverable and resulting in the Council failing to meet their housing requirements both within the five year period but also over the Plan period as a whole.

Clearly the approach the SPD seemingly seeks to introduce is inappropriate in the extreme and requires significant amendment or abandonment to ensure the Local Plan allocations can be brought forwards. Should the elements identified above have been a requirement of the SDA sites to deliver, these should have formed part of the allocation for the site. Plainly this was not done and therefore the SPD should not seek to introduce additional policy requirements.

Indeed, some of those components, such as burial grounds, were proposed within the submitted Hailey Neighbourhood Development Plan (2019) and were ultimately struck through by that Examiner. This document appears to try yet again to introduce over onerous requirements that are not required to make the development of our client’s site acceptable in planning terms.

which policies of the adopted Local Plan each potential requirement relates to.

In relation to the North Witney SDA, the local plan policy (WIT2) clearly identifies requirements relating to transport, education, biodiversity enhancement, flood mitigation and sustainable drainage, the provision of appropriate green infrastructure (which can of course include burial space).

The SPD simply provides further clarification as to what these various high-level requirements might entail – it is not a comprehensive menu of all items that will definitely be required for every site.

We now consider some of the specific requirements proposed in turn.

With regards to the potential requirement for a community facility, it should be noted that the North Witney Land Consortium has identified that the new primary school which would be delivered on site could also be developed as a new community hub which could potentially serve the development with local facilities and services such as a community hall. No additional facilities would be required.

At the time of the preparation of the Local Plan, the Clinical Commissioning Group will have been consulted in the preparation of the Local Plan and no requirement has been identified that has led the Council to require the provision of new health care facilities on the North Witney SDA site. We note from the NHS website that all three GP surgeries in Witney are currently accepting new patients. Should the existing facilities require upgrades or expansion as a result of the increased resident population then these can be secured via Section 106 contributions or CIL subject to meeting the relevant tests at that time.

Contrary to the approach demonstrated above where the Council seek to introduce additional requirements for the SDA sites, it is also noted that the SPD fails to reflect that some of the SDAs will already be making onsite provision for some forms of infrastructure, such as the primary school on the North Witney SDA site. It is considered that this does not aid clarity. Similarly some of the SDAs will be providing mitigation for air quality through the proposals and as such should not be requested to additionally make a financial contribution towards further mitigation. Indeed, in terms of air quality, our understanding is that the position in Witney has improved over recent years and the impacts on the AQMA are becoming less severe.

We note that the SPD references the potential for major and strategic scale development to contribute towards strategic transport schemes. It is assumed that this particularly refers to the A40 corridor improvements referred to earlier in the SPD. Whilst our client team were invited to a meeting with WODC and Oxfordshire County Council to discuss this matter in August 2020, dates are still awaited from Oxfordshire County Council so there is no further information available as to the scale of contribution being sought. This must also be considered in the context of the proposed CIL zero rating of the site. We also understand that the Oxfordshire Growth Fund and relevant HIF Funding is being earmarked for such work, and it would therefore not appear to be necessary for allocated sites to fund any such works.

The comments relating to the proposed provision of a community facility as part of the new primary school at the North Witney SDA are noted.

As set out above, the SPD provides an overall guide to the main items of infrastructure that are likely to be sought based on the specific circumstances of each development proposal.

It may well be the case that at North Witney, some sort of shared facility is the most appropriate solution. The SPD does not rule out that possibility or require it to be addressed as a separate component.

Similarly, whilst the SPD highlights the potential for provision to be made for primary care, this will depend on the circumstances at the time of any planning application. The Local Plan was adopted in 2018 and the circumstances regarding primary health capacity in the Witney area are likely to have changed since then.

The comments relating to education and air quality are also noted. Again, it is important to note that the SPD does not provide a composite list of everything that will be required on every site.

	<p>Clearly if the North Witney SDA is addressing air quality through some other means the Council would be unlikely to seek a separate 'contribution' through a Section 106 legal agreement.</p>
<p>It is clear that the Council have not tested the viability implications of the additional requirements the SPD seeks to introduce on the SDA sites. In consulting on the CIL draft Charging Schedule in July to August 2020, the Council itself stated that the majority of residential sites were able to afford to pay CIL, with:</p> <p>“ the exception [of] the five strategic site allocations from the Local Plan 2031 (Garden Village, West Eynsham, East Witney, North Witney and East Chipping Norton) which are recommended to be exempt from CIL on viability grounds. Essentially because of the substantial costs of site related infrastructure which is require to reduce their impact.”</p> <p>Whilst the 2019 amendments to the CIL Regulations make it possible for authorities to use funds from both CIL and Section 106 planning obligations to pay for the same piece of infrastructure, it is plainly illogical for the Council to conclude that sites are unable to pay CIL but to seek Section 106 obligations for the same infrastructure and potentially to the same or greater cost.</p> <p>Significant concerns are raised regarding the SPD in its current form which does not accord with Government guidance and potential renders the Local Plan undeliverable, or introduces significant delays in its delivery.</p> <p>We would be happy to meet with the Council to discuss our concerns but currently consider the SPD needs significant amendment or abandonment as it fails to meet the Council’s own objective for its preparation.</p> <p>At the very least, all SDA sites should be excluded from it.</p>	<p>The comments are noted. It is not necessary to subject the SPD to a viability assessment as it is not introducing additional requirements.</p> <p>Each potential area of provision/ contribution is clearly referenced to a relevant policy within the adopted Local Plan.</p> <p>Furthermore, the SPD makes it clear that not all of the potential contributions identified will be relevant to all development proposals and that the actual 'package' of developer contributions that is ultimately secured will depend on a number of factors including the type, scale and location of development.</p>

Oxfordshire County Council (OCC)	
Issues Raised	WODC response
<p>Oxfordshire County Council welcomes the opportunity to comment on the draft Developer Contributions SPD. The SPD provides detailed guidance to developers, infrastructure providers and local communities on the likely infrastructure requirements placed on developments in West Oxfordshire.</p> <p>We are requesting a number of minor changes, particularly relating to schools and highways for which OCC has a statutory responsibility. This will enable us to ensure that there are sufficient school places at the appropriate time and the necessary infrastructure to support development in the district.</p> <p>Please note that OCC hopes to have the Developer Guide to Infrastructure Delivery and Contributions adopted by April 2021.</p> <p>Until it is adopted the document should not be referred to in the SPD.</p> <p>Detailed comments can be seen in Appendix 1.</p>	<p>Comments noted. See below for further relevant responses to the various suggested changes.</p>
<p>Para 1.7 – OCC hopes to have the Developer Guide to Infrastructure Delivery and Contributions adopted by April 2021. Until it is adopted the document should not be referred to in the SPD.</p>	<p>Comment noted. The revised draft SPD has been amended to include reference to Oxfordshire County Council’s ‘Guide to Developer Contributions’ adopted in April 2021.</p>
<p>General - Referring to S278 as a planning obligation makes the text confusing. Typically, S278 works would be secured at planning stage through S106 or condition. Additionally Figure 1 states they should only be used where a condition is not appropriate however agreements are often secured through condition.</p>	<p>The Government’s Planning Practice Guidance refers to Section 278 agreements as a form of planning obligation (see paragraph 003 Reference ID: 23b-003-20190901 for example). The revised draft is reflective of this position.</p> <p>The text of Figure 1 has been amended to reflect the fact that S278 agreements are</p>

	often secured through a planning condition.
Para 6.7 - Add that there is limited scope for negotiation in S278 and refer to commuted sums and bonds rather than costs.	Comments noted. The text of the revised draft SPD at paragraph 2.8 has been amended accordingly.
Para 6.9 - Is there an upper limit to value or instalments etc for this?	Comment noted although this text has been removed from the revised draft SPD.
<p>Para 9.12</p> <p>Current text: In general terms, for very large residential schemes (where more than 400 additional pupils would arise) it may be necessary to provide a new school or schools on-site as part of the development. For smaller residential schemes of 10 or more new homes, the County Council will seek an appropriate financial contribution towards increasing the capacity of an existing school or schools.</p> <p>Comment: New schools may be required for smaller developments, and some developments not requiring a new school may be expected to contribute towards a new school.</p> <p>Proposed change: In general terms, for very large residential schemes (where the scale of pupil generation cannot be accommodated through school expansions) it may be necessary to provide a new school or schools on-site as part of the development. For smaller residential schemes of 10 or more new homes, the County Council will seek an appropriate financial contribution towards increasing the capacity of an existing school or schools, or towards an off-site new school serving multiple developments. In some cases, additional contributions may be required towards temporary accommodation, where the permanent accommodation cannot be delivered in time to meet the need from population growth.</p>	Comments noted. The text of the revised draft SPD at paragraphs 6.11 – 6.14 has been amended accordingly.
<p>9.14</p> <p>Current text: For new schools, any S106 contribution will be considered on a case by case basis and the cost of each project to provide additional capacity may differ. The contributions sought are based on a common base for the construction of a new school or extension.</p>	Comments noted. The text of the revised draft SPD at paragraph 6.12 has been amended accordingly.

<p>Comment: Amendment to clarify OCC’s position on school land. Removal of reference to indexation base as that is covered elsewhere.</p> <p>Proposed Change: For new schools, any S106 contribution will be considered on a case by case basis and the cost of each project to provide additional capacity may differ. When the scale of development is such as to necessitate a new school, the developer/s will be expected to provide an appropriate remediated and serviced piece of land free of charge. In some cases, the County Council may seek an option for remediated expansion land which can be funded by another adjacent development. Where the development is not a host site for a new school it may be appropriate to make a contribution to fund land acquisition.</p>	
<p>9.15</p> <p>Current Text: For the expansion of existing schools, the level of contribution will be calculated based on the anticipated pupil generation from the development set against standard £/per pupil rates, or where feasibility work studies have been carried out estimated cost of the expansion.</p> <p>Comment: Amendment to clarify that the contribution to expansion project may include the cost of land.</p> <p>Proposed Text: For the expansion of existing schools, the level of contribution will be calculated based on the anticipated pupil generation from the development set against standard £/per pupil rates, or where feasibility work studies have been carried out estimated cost of the expansion.</p> <p>Where the expansion project requires the acquisition of additional land the cost of this will be factored into the level of contributions.</p>	<p>Comments noted. The text of the revised draft SPD at paragraph 6.13 has been amended accordingly.</p>

<p>Para 9.18</p> <p>Current Text: The need for SEND places within new mainstream schools will be assessed by the County Council in each case, depending on the existing local availability of places.</p> <p>Comment: The County will also seek contributions where appropriate towards new and expanded specialist SEND schools</p> <p>Proposed Change: The need for additional SEND capacity will be assessed by the County Council in each case, depending on the existing availability of places.</p>	<p>Comments noted. The text of the revised draft SPD at paragraph 6.16 has been amended to reflect the County Council's position as set out in its Guide to Developer Contributions (April 2021).</p>
<p>Education summary - paragraph 1</p> <p>Current text: For larger residential schemes of more than 10 homes, where necessary, directly, fairly and reasonably related in scale and kind to the development, the provision of educational facilities and associated infrastructure, including the provision of land (as appropriate) and extensions to existing facilities, will be secured through a Section 106 legal agreement.</p> <p>Comments: suggest re-ordering of para to make it clear that the provision of land could apply to either extensions or new build.</p> <p>Proposed text: For larger residential schemes of more than 10 homes, where necessary, directly, fairly and reasonably related in scale and kind to the development, the provision of new or extended educational facilities and associated infrastructure, including the provision of land (as appropriate), will be secured through a Section 106 legal agreement.</p>	<p>Comments noted. The text of the revised draft SPD has been amended accordingly.</p>
<p>Para 10.11</p> <p>It is unclear what this paragraph is saying – it seems to me that the 'additional' obligations that are proposed would not meet the CIL tests particularly for major scale sites that are not CIL exempt.</p>	<p>Comment noted. This text has been removed from the revised draft SPD.</p>

<p>Para 10.16</p> <p>Suggest adding 'bus operators' to the list of key partners.</p>	<p>Comment noted. The text of the revised draft SPD at paragraph 7.10 has been amended accordingly.</p>
<p>Para 10.17</p> <p>Suggest defining a premium bus route as "(defined as those with a frequency of four buses per hour or more")</p> <p>Suggest altering last sentence to "S106 contributions may be requested from developers to 'pump prime' new routes, provide incremental enhancements to existing routes or to maintain existing routes where these are already supported by the County Council."</p>	<p>The comments in relation to the definition of premium bus routes are noted. This text has however been removed from the revised draft SPD in the interest of brevity.</p> <p>The comments relating to the pump-priming of new routes is noted and the text of the revised draft SPD has been revised accordingly at paragraph 7.11.</p>
<p>Para 10.19</p> <p>The 400-metre walking catchment is slightly outdated. More recent guidance suggests that the distance people will walk to access public transport varies according to the frequency and quality of the service. Suggest revising text to: "New residential developments should be within close proximity of a bus stop. The acceptable distance will depend on the site constraints and opportunities as well as the frequency and quality of the bus service. Walking and cycling routes to bus stops should be as direct as possible, and the design of the development should also allow space to safely access buses and ensure there is sufficient space to accommodate bus shelters/ space for bicycle storage."</p>	<p>Comment noted. In the interests of brevity and to avoid unnecessary duplication with the County Council's own Developer Guide, this text has been removed from the revised draft SPD.</p>
<p>10.21</p> <p>Suggest revising text to:</p> <p>"Further advice can be provided by the County Council at the pre-application stage on the service levels and financial contributions which are likely to be sought. On the A40 corridor, the County Council has developed a costed bus service improvement strategy to which developers will be expected to contribute. Elsewhere, a standard formula is usually applied. This information can be shared with the developer at the appropriate time."</p>	<p>Comment noted. In the interests of brevity and to avoid unnecessary duplication with the County Council's own Developer Guide, this text has been removed from the revised draft SPD.</p>

<p>Highways & Access (page 29)</p> <p>Why is this restricted to 10 plus dwellings? Whilst it may not be common small sites particularly in rural areas can require infrastructure although typically secured by condition.</p>	<p>Comment noted. A footnote has been added to the revised draft SPD to state that:</p> <p><i>'in some instances, smaller schemes may be assessed depending on their relationship to other developments as well as potential cumulative impacts'.</i></p> <p>This is consistent with the advice set out in the County Council's own Developer Guide.</p>
<p>10.22</p> <p>Suggest revising text to:</p> <p>“Developer contributions towards public transport will be secured in one of two ways:</p> <ul style="list-style-type: none"> • Public transport services will be secured via a Section 106 financial obligation; and • Public transport infrastructure will usually be secured via Section 278 <p>via a planning obligation such as a Section 278 or Section 106 agreement. The District Council will also consider using a proportion of its CIL receipts in support of improved public transport provision across West Oxfordshire (e.g. to help meet any identified funding shortfall).”</p>	<p>Comment noted. The text of the revised draft SPD at paragraph 7.14 has been amended accordingly.</p>
<p>10.22 – 10.23</p> <p>Insert new paragraph as follows:</p> <p>“Developers will not usually be permitted to procure public transport services directly with operators unless there is a compelling reason to do so. This is in the interests of public transport co-ordination and integration across the county.”</p>	<p>Comment noted. The text of the revised draft SPD at has been amended accordingly (see paragraph 7.15).</p>

<p>Public transport summary</p> <p>Suggest revising text to:</p> <p>“For larger residential schemes of more than 10 homes, where necessary, directly, fairly and reasonably related in scale and kind to the development, financial contributions towards the provision of and/or improvements to public transport services will be secured through a Section 106 legal agreement. Improvements to public transport infrastructure, where necessary, will usually be secured through a Section 278 legal agreement.</p> <p>The amount/nature of any contribution will be considered on a case by case basis and will be agreed with Oxfordshire County Council as the local highway authority.</p> <p>The County Council has a standard approach to financial contributions for public transport services and infrastructure, dependent on the location of the development. Advice on this will be given at pre-application and application stages as appropriate.</p> <p>The District Council will potentially consider using a proportion of its CIL receipts to support the wider provision of improved public transport across the District including where a shortfall of funding secured through planning obligations and/or other sources of funding may exist.”</p>	<p>Comments noted. The text of the revised draft SPD has been amended accordingly at paragraph 7.14 and in the summary box relating to public transport contributions.</p>
<p>Health & active travel</p> <p>As above – why restricted to 10+ dwellings and could also be secured by condition</p>	<p>Comment noted. A footnote has been added to the revised draft SPD to state that:</p> <p><i>‘in some instances, smaller schemes may be assessed depending on their relationship to other developments as well as potential cumulative impacts’.</i></p>
<p>Travel Planning</p> <p>This should refer to Travel Plans or Travel Information packs</p>	<p>Comment noted. Paragraph 7.23 of the revised draft SPD explains that Travel Information Packs may be suitable for smaller development proposals.</p>

<p>11.4</p> <p>Current text: 'on the lakes created by sand gravel extraction.'</p> <p>Suggested text: 'on the lakes created through sand and gravel extraction in the Lower Windrush Valley.'</p>	<p>Comment noted. The text of the revised draft SPD has been amended accordingly (see paragraph 8.2).</p>
<p>11.33</p> <p>It's not clear if for schemes of more than 200 dwellings only formal parks and gardens will be sought, or whether natural and semi-natural green space and amenity greenspace will also be required. Suggest text is updated to clarify.</p>	<p>Comment noted. The text of the revised draft SPD is considered to be sufficiently clear that both forms of green space referred to may be sought. They are not mutually exclusive. The SPD also makes it clear that the precise package of provision will depend on a number of considerations and will be the subject of negotiation on a case-by-case basis. The SPD provides an overview of likely potential requirements only.</p>
<p>11.34</p> <p>We would like to see the addition of the following, in line with Local Plan Policy EH4: Priority areas for off-site enhancements include Conservation Target Areas and areas where stakeholder/partnership projects, such as the Lower Windrush Valley Project, already exist.</p>	<p>Comment noted. The suggested text has been incorporated at paragraph 8.38 of the revised draft SPD.</p>
<p>11.35</p> <p>We would like to see a commitment to use CIL funds to support provision or enhancement of other green space across the district. For example: The Council will use a proportion of its CIL receipts to support the provision or enhancement of other green space across the District. Funds for provision or enhancement of other greenspace should be directed to Conservation Target Areas and where stakeholder/partnership projects, such as the Lower Windrush Valley Project, already exist.</p>	<p>Comment noted. The revised draft SPD at Appendix 1 outlines that future CIL receipts may be used for the purposes of providing other green space within the District.</p> <p>Specific CIL spending priorities are however yet to be determined and will be set out in due course in the Council's Infrastructure Funding Statement (IFS).</p>

<p>Local Plan Policy EH4: Public Realm and Green Infrastructure, new development should ‘provide opportunities for improvements to the District’s multi-functional network of green infrastructure (including Conservation Target Areas) and open space, (through for example extending spaces and connections and/or better management), particularly in areas of new development and/or where stakeholder/partnership projects already exist’, such as the Lower Windrush Valley Project and Conservation Target Areas.</p>	
<p>11.42</p> <p>We would like to see a commitment to use CIL funds to support provision or enhancement of public rights of way across the district and suggest a change in wording from ‘the District Council will also potentially consider using a proportion of its CIL...’ to ‘the District Council will use a proportion of its CIL...’</p>	<p>Comment noted. The revised draft SPD at Appendix 1 outlines that future CIL receipts may be used for the purposes of providing and enhancing public rights of way within the District.</p> <p>Specific CIL spending priorities are however yet to be determined and will be set out in due course in the Council’s Infrastructure Funding Statement (IFS).</p>
<p>12.10</p> <p>We would like to see a commitment to use CIL funds to support provision of biodiversity enhancements across the district and suggest a change in wording from ‘the District Council will also potentially consider using a proportion of its CIL...’ to ‘the District Council will use a proportion of its CIL...’</p> <p>We would also suggest the following addition in line with Local Plan Policy EH2 (see below): Funds for provision of biodiversity enhancements across the district should be directed towards the Lower Windrush Valley Project, the Windrush in Witney Project Area and the Wychwood Project area.</p> <p>Local Plan Policy EH2: ‘Special attention and protection will be given to the landscape and biodiversity of the Lower Windrush Valley Project, the Windrush in Witney Project Area and the Wychwood Project Area.’:</p>	<p>Comment noted. The revised draft SPD at Appendix 1 outlines that future CIL receipts may be used for the purposes of biodiversity mitigation and enhancement.</p> <p>Specific CIL spending priorities are however yet to be determined and will be set out in due course in the Council’s Infrastructure Funding Statement (IFS).</p>
<p>13.20</p>	<p>Comment noted. The revised draft SPD makes reference to the potential provision</p>

<p>Might there be a need for a development to contribute towards an off-site new facility?</p>	<p>of a financial contribution towards off-site provision (see paragraph 10.19).</p>
<p>13.22</p> <p>Is the formula of £200 sq m per 1,000 population correct?</p>	<p>Comment noted. This was a typographical error and has been corrected to 200 sq m per 1,000 population (see paragraph 10.20).</p>
<p>13.34 & Community Services Summary</p> <p>Unless the district guarantees that there will be CIL available to mitigate a developments impact on community services, OCC will seek S106 contributions from all developments of 11 or more units subject to meeting the R122 tests and within the viability limit of the development.</p>	<p>Comment noted. CIL is not yet in place in West Oxfordshire although the revised draft SPD at Appendix 1 indicates that potential future CIL receipts may be spent on community services.</p> <p>Detailed proposals for CIL expenditure will be set out in the Council's Infrastructure Funding Statement (IFS) in due course.</p>
<p>14.16</p> <p>Please add in additional text at the end of 14.16 saying:</p> <p>In particular there is an increased demand for Children's Homes as a consequence of growth. New developments will place pressures upon existing Children's Homes which do not have the capacity to meet the needs of the developments. Consequently, infrastructure will be required to be delivered to meet the needs of the developments.</p>	<p>Comment noted. No change proposed to the SPD as this is considered to be adequately covered already.</p>

<p>15.7 & Fire and Rescue summary</p> <p>Unless the District guarantees that there will be CIL available to mitigate a developments impact on fire and rescue, OCC will seek S106 contributions from all developments of 11 or more units subject to meeting the R122 tests and within the viability limit of the development.</p>	<p>Comment noted. CIL is not yet in place in West Oxfordshire although the revised draft SPD at Appendix 1 indicates that potential future CIL receipts may be spent on fire and rescue infrastructure.</p> <p>Detailed proposals for CIL expenditure will be set out in the Council's Infrastructure Funding Statement (IFS) in due course.</p>
<p>17.5</p> <p>Suggest revising text to:</p> <p>Where appropriate, the County Council will require developers to mitigate the impact of a development on Household Waste Recycling Centre (HWRC) sites by paying a financial contribution towards the cost of providing a new or enhanced HWRC site that will serve the development. This will be secured by way of a Section 106 legal agreement.</p>	<p>Comment noted. The text of the revised draft SPD has been amended accordingly (see paragraph 14.6).</p>
<p>17.6</p> <p>OCC is developing a formula for seeking contributions towards strategic waste management and will be able to provide further information shortly.</p>	<p>Comment noted. The text of the revised draft SPD at paragraph 14.8 includes a cross-reference with weblink to the County Council's Guide to Developer Contributions.</p> <p>No further change considered necessary.</p>
<p>20.5</p> <p>Financial contributions to the County Council should be paid directly to the County Council.</p>	<p>Comments noted.</p> <p>A S106 planning agreement will normally state that a financial contribution to the County Council is to be paid directly to Oxfordshire County Council (note that draft</p>

	<p>S106 agreements should be checked by all key parties at the drafting stage).</p> <p>There are however some circumstances when S106 agreements require OCC contributions to be paid to WODC. In those circumstances, the Council will transfer the contributions to OCC.</p> <p>The text at paragraph 18.3 of the revised draft SPD is clear on this point.</p>
<p>Appendix 1 –</p> <p>Amend public transport section to reflect the text above.</p>	<p>Comment noted. In the interests of brevity and to aid understanding of potential requirements, Appendix 1 has been removed from the revised draft SPD.</p>
<p>Appendix 2</p> <p>Under the “item” heading, amend text to:</p> <p>“Public transport services and infrastructure provision both on-site and off-site through an appropriate financial contribution”.</p>	<p>Comment noted. Appendix 2 has been amended (now Appendix 1) along with the relevant public transport section within the main body of the document (see Section 7).</p>

Prior + Partners (on behalf of Grosvenor Developments Ltd)	
Issues raised	WODC response
<p><u>Introduction</u></p> <p>We write on behalf of Grosvenor Developments Ltd (Grosvenor) with regard to the West Oxfordshire Developer Contributions Supplementary Planning Document (SPD) Draft for Consultation currently under consultation.</p> <p>Grosvenor represents a consortium of landowners that controls most of the Oxfordshire Cotswolds Garden Village 'Strategic Location for Growth' (SLG) and in 2020 submitted an Outline Planning Application (OPA) for the Oxfordshire Garden Village (OGV). This is available on the WODC Planning Portal under reference 20/01734/OUT. Grosvenor is committed to working collaboratively with West Oxfordshire District Council (WODC) and other stakeholders, including the local community, to ensure that the OPA for the Garden Village is consented and delivered consistently with Local Plan aims and objectives in order to meet local need.</p> <p>We have previously submitted representations to the CIL consultation, with Grosvenor being significantly advanced in the preparation of the OPA at that time.</p>	<p>Comments noted.</p> <p>No change to the SPD needed.</p>
<p><u>Role of the AAP and a bespoke agreement for OGV</u></p> <p>The AAP is expected to become part of the formal Development Plan. It, alongside the Eynsham Infrastructure Delivery Plan, will provide specific policies regarding infrastructure provision for OGV and is informed by bespoke pieces of evidence across a number of topics addressed by the Draft SPD including education, health, public transport, travel planning, affordable housing, green infrastructure, biodiversity, emergency services and community infrastructure. We note the draft policy provision regarding burial space which is addressed by the provision for a burial ground within the submitted planning application for OGV.</p>	<p>Comments noted.</p> <p>No change to the SPD needed.</p>
<p><u>Infrastructure Delivery</u></p> <p>Grosvenor has been working closely with WODC and Oxfordshire County Council (OCC) throughout the preparation of the planning application. The extent of site-specific infrastructure associated with the new Garden Village is expected to be significant. This includes both that required to make the development acceptable in planning terms, but also reflecting the Garden Village aspirations.</p>	<p>Comments noted.</p> <p>No change to the SPD needed.</p>

<p>OGV is the single largest allocation in the WODC adopted Local Plan. The level of anticipated infrastructure provision to be delivered on or adjacent to the Garden Village site to supports its development as a rural service centre will clearly be more extensive than that which would be provided for smaller developments which are able to rely on existing infrastructure and services.</p>	<p>Comments noted. No change to the SPD needed.</p>
<p>Grosvenor is currently working with WODC and OCC to bring forward the Garden Village and its supporting infrastructure. Much of this has been identified as a key element of placemaking, as part of the site-specific evidence base and to meet the ambitions for the Garden Village. We have engaged extensively with the local community, key stakeholders and the Parish Council regarding infrastructure provision. This wider infrastructure outlined through the AAP and the OPA supporting documents, notably the site-specific Infrastructure Delivery Plan, will be secured through the Section 106 agreement and Section 278 highway agreement mechanisms.</p>	<p>Comments noted. No change to the SPD needed.</p>
<p>We note the following in the draft SPD;</p> <p><i>“One of the key objectives of the Local Plan and this guidance on developer contributions is to inform applicants of the likely level of planning obligations that can be expected from proposed developments in advance of any planning application being submitted. This allows the applicant(s) to factor in these policy requirements at the earliest stage possible and reflect them in the price paid for land (known as the benchmark land value) in accordance with the Government’s planning practice guidance on viability.”</i></p> <p>We would request that progress be made with regard to the bespoke s106 list for OGV which will allow the site-specific infrastructure to be agreed in the context of ongoing viability discussions. We recognise the assessment of OGV as being located within a ‘High value zone’ and thus subject to 50% ‘on- site’ affordable housing being sought. It is clear that the value of affordable housing that derives from the quantum and composition, and therefore the overall Gross Development Value, will significantly affect viability considerations.</p>	<p>Comments noted. Progress is being made in relation to the garden village outline planning application and associated Section 106 negotiations. No change to the SPD needed.</p>
<p>As provided at 3.1 of the draft, Para 34 of the National Planning Policy Framework 2019 requires that plans should set out Affordable Housing and Infrastructure contributions expected from development but ensure that the level of these contributions does not undermine deliverability of development.</p>	<p>Comments noted. No change to the SPD needed.</p>

<p>This viability assessment is currently being undertaken to support the Area Action Plan for the Garden Village and additionally we look forward to understanding the WODC Infrastructure Funding Statement (IFS) in the context of The Eynsham Area Infrastructure Delivery Plan (July 2020).</p>	<p>Comments noted. No change to the SPD needed.</p>
<p>While Grosvenor has carried out a viability assessment for the OPA the role for viability assessment is primarily at the plan making stage. Viability assessment should not compromise sustainable development but should be used to ensure that policies are realistic, and that the total cumulative cost of all relevant policies will not undermine deliverability of the plan.</p> <p>Guidance provides that it is the responsibility of plan makers in collaboration with the local community, developers and other stakeholders, to create realistic, deliverable policies. Drafting of plan policies should be iterative and informed by engagement with developers, landowners, and infrastructure and affordable housing providers.</p>	<p>Comments noted. No change to the SPD needed.</p>
<p><u>Conclusions</u></p> <p>Considering the specific circumstances of strategic sites including OGV it is imperative to consider future delivery implications associated with contributions.</p> <p>The s106 process, initiated by Grosvenor in January 2020, needs to progress in order for the necessary bespoke tailoring of infrastructure demands and unit triggers associated with key infrastructure items to ensure they are funded, and critically delivered.</p> <p>As stated at the beginning of this representation, Grosvenor submitted an Outline Planning Application in July 2020. Work is awaited from WODC both on the Section 106 and the AAP viability workstreams in order to agree the targeted and appropriate collection mechanism for OGV in the form of a comprehensive, site specific and detailed Section 106 agreement combined with a zero CIL rating which has been recommended by WODC.</p>	<p>Comments noted. Progress is being made in relation to the garden village outline planning application and associated Section 106 negotiations.</p> <p>No change to the SPD needed.</p>

Ruth Smith	
Issues raised	WODC response
<p>Given that Town and Parish councils are part of the intended audience for this document (Section 1.3), they are only subsequently mentioned in relation to their share of CIL, their partnership in community halls (13.14) and responsibility for burial space (13.37, 39), until section 20.5 which mentions that they may be responsible for spending S106 funds received.</p> <p>This document needs to outline a process for the involvement of town and parish councils from the outset, not least by stating that they are to be involved at the “Heads of Terms” stage (Sections 6.3, 6.7 for S106 and S278 respectively), prior to planning applications. The local knowledge, historic memory and advocacy of town and parish councils adds invaluable accuracy and insight to the process of securing the most effective developer contributions, and their input should be acknowledged in this document, as a statement of intended practice.</p> <p>Active travel infrastructure (Section 10, but permeating all sections, including the Transport section) is the responsibility of the LPA but also involves the Highways Authority. As such, meaningful infrastructure delivery falls between two stones. Stating merely (in Section 10.27) that WODC expects developers to produce high quality plans for cycle routes and safe active travel does not go far enough to ensure that such plans materialise.</p> <p>This document needs to provide a route for town and parish councils to request S278 agreements via WODC’s mediation in conjunction with OCC to secure the right active travel connectivity from new developments to town and village centres, schools, employment centres, transport hubs and sports facilities. When town and parish councils hear about developments too late into the process or are not invited to suggest infrastructure, or are not heard seriously when consulted, there is a huge risk that plans do not materialise and that developers build to their boundaries but fail to connect to the place’s existing infrastructure routes. S278s can be a legal agreement to build the infrastructure and/or to contribute funds, and both approaches should be used to upgrade and enhance safe cycling and walking routes away from roads, to the places residents need to go.</p> <p>10.10 in the Transport section gives examples of S278 works as new junctions. Can you include cycle paths (away from roads, on routes into town or village centres that are not on roads) as examples too so that developers know it is an expectation to connect their housing estates properly? This comes before the Active</p>	<p>The comments are noted.</p> <p>In terms of the relationship between the District Council, County Council and Town and Parish Councils, additional text has been added to the revised SPD to emphasise the importance of early discussion and ongoing engagement.</p> <p>A S278 agreement is a legal agreement made between the Highway Authority and a developer regarding improvements to the public highway. OCC has an adopted guide on infrastructure delivery and contributions which has a section on active travel. OCC is responsible for highways and transportation including, sustainable modes of travel for example cycling and walking routes and public transport. The Local Plan policies T1 (sustainable transport) T3 (public transport, walking and cycling) support the principles of encouraging and promoting sustainable modes of transport in partnership with the County Council which is the highways authority responsible for transportation too.</p> <p>The comments regarding paragraph 10.28 are noted but it is important that the SPD avoids being excessively prescriptive as a contribution may not always be appropriate</p>

Travel part of Section 10, but separating the two ideas (roads and cycle paths) is risky – too often, we see responses from OCC Highways that count parking spaces and consider traffic volumes but don't ask for good cycle lanes or routes away from roads.

10.28 "Contributions may be sought" would better prepare developers if it said "will be sought". Clarification is needed in sections 6.9 and 6.10 as to how a "unilateral undertaking" is enforceable and how these funds are reported for transparency and made available to town and parish councils. Section 7.8 under the Viability header mentions 7.8 mentions the responsibilities of other public bodies, eg OCC. You need a clause that gives power to your elbow for other statutory but not public bodies such as Thames Water outlining their expectations and necessary works and fulfilling their infrastructure obligations. Adequate sewerage provision is an important viability factor, in the workable and pragmatic sense of the word, as well as the financial sense.

Section 18.1-18.4 deals with utilities but does not mention the sewerage inadequacies that plague several areas of West Oxfordshire and does not outline timescales, conditions or measures WODC will take in conjunction with Thames Water to ensure that developments do not worsen the CSO situation. Thames Water have begun responding to planning applications with suggested conditions – how is monitoring and enforcement of those conditions going?

I remain hopeful that the proposed zero rate of CIL for SDAs will be overturned. Issues such as the shortfall in early education places in Witney could be addressed by CIL, given that large developments generate need for more spaces but those spaces do not have to be on site. Sports facilities spread across a town or village are another example of amenities impacted greatly by large developments that CIL would helpfully fund.

However, it is good to see that WODC intends to request a broad range of contributions via S106 whether or not CIL is payable on the strategic sites.

and each planning obligation will be considered on a case by case basis.

The comments regarding waste water capacity are also noted. New rules for charging for new water and sewerage connections are effective from April 2022.

Developer Customers seeking connections to Thames Water's infrastructure will have to pay an agreed charge for any necessary network reinforcement.

This can be arranged on a per phase basis.

The new arrangements also make provision for Developer Customers to work with a New Appointment and Variation ("NAV"), or a new service provider operating within the geographical area of an existing Water Company.

Under the 2022 rules new water and sewerage connections will be agreed between Developer Customers and Thames Water (or a NAV) on a phase-by-phase basis.

In terms of the comment regarding the proposed exemption of strategic sites from having to pay CIL, this is a separate process and will be considered through independent examination in due course.

Sport England	
Issues raised	WODC response
<p>Sport England wishes to support two items in section 11: Sport, Leisure and recreation.</p> <p>Sport England has been working with WODC in providing some information around the indoor provision. The proposed 'policy' <i>Indoor sports and Leisure Summary – type of developer contribution to be sought</i> is one which Sport England can support. We are pleased to see that the option for off-site contributions has been included, as a pragmatic solution to some constrained sites.</p> <p>Sport England is looking forward to working with WODC to produce a robust strategy to under pin this policy.</p> <p>Sport England also supports the principles of the <i>Outdoor Sports: Summary – type of developer contribution to be sought</i>, policy. We are looking forward, again, to working with WODC to produce a robust strategy to under pin this policy.</p>	<p>Support noted and welcomed.</p>
Vicky Gwatkin	
Issues raised	WODC response
<p>With reference to the above and specifically section 11 – sport recreation and leisure – I would like to make the following comments.</p> <ul style="list-style-type: none"> • There needs to be a greater understanding of the impact developments can have on the demand of sports and leisure facilities for our towns – this is not just developments within a particular town – but also in the surrounding villages which place increasing pressures on facilities within the larger towns (with no following financial contribution). • There is also the knock on impact of one town having facilities that fall short, on other towns that have more modern facilities – especially over the winter months. • Appreciation of ownership of all sites is extremely important in terms of establishing any proper joined up strategy moving forward, based on local knowledge. In Witney, those sites are owned predominantly by the town council yet it plays a very small part in the formulation of any S106 funding strategy. Proper town/parish involvement should be a requirement in the early stages. • Revenue generating sites seem to be retained by WODC which leaves the town councils with limited means of generating funds to bring about improvements to the bulk of the remaining sports assets. As acknowledged, buildings/sites are very run down for a town this size, pitch quality is poor and our sports facilities do not meet the expectations of residents. Funds from S106 contributions to the 	<p>Comments noted.</p> <p>The District Council is in the process of developing a Built Indoor Sports Facilities Strategy and Playing Pitch Strategy for the District (due for adoption in 2022).</p> <p>From this, an action plan will be established detailing improvements to be made to the current leisure stock, along with the demand analysis based on housing growth in the District.</p> <p>This will provide the District Council with a robust evidence base to support any s106 requests going forward.</p>

asset owners have been largely inadequate and not at all timely. There needs to be an ongoing strategy in place and (realistic) funds set aside for renewal of these facilities. We should not underestimate the extent to which these are 'adverts' for Witney (for travelling teams) yet are rated as some of the worst in the various leagues.

- The availability of suitable land with decent drainage is an issue – there may be more flexibility to build this into new sites. Changing facilities and social areas are also a crucial part of this if we are to encourage greater use by all sections of the community – and should be automatically built into any provision.
- There still seems to be a link between school sites and provision of leisure facilities in planning. It is a nice idea but in practice presents numerous issues in terms of safeguarding and access for the wider community. It imposes cost/renovation/management requirements on schools, who are not necessarily financially best placed to bring these about, and takes control away from local councils when it comes to ensuring the needs of the community are met. It would work much better the other way round.
- I can tell you what the strategy documents will raise as the key issues! They were also the key issues in 2014 – yet little progress has been made to address them. Once in place and agreed, they should be the go to planning document - providing a clear picture of what needs to be tackled and when which is formulated with proper input from facility owners. This will also help town councils plan. It is all rather disjointed and ad hoc at the moment.
- There should be better definition of what is required in play areas- often these are complete oversights and just a tick in the box – some do not provide anything meaningful to the members of the communities in which they are placed.

No change considered necessary to the SPD.

Witney Town Council	
Issues raised	WODC response
<p>This consultation does not communicate clearly to the public the intentions of how funding from developers will be sought. It is 83 pages long and it does not summarise clearly at the front what will happen. The consultation appears impenetrable and unwieldy and the Town Council is concerned that the public may not understand and be able to engage with this.</p> <p>The Town Council believe that the whole town is impacted by strategic development and wishes to be able to exercise discretion in where the developer contributions are spent, which is the whole point of the Community Infrastructure Levy.</p> <p>The Town Council would appreciate much better collaboration between the three tiers of Council in terms of Section 106 contributions, to seek out and find solutions for the spending of Section 106 funds and a more transparent tracking system that allows the Town Council to know what has been allocated to Witney.</p> <p>The Town Council would also appreciate and “easy read” version that everyone is able to understand.</p>	<p>The comments are noted. In terms of the complexity of the document, the revised draft SPD has been shortened and simplified to ensure it is accessible and understandable to a broad audience.</p> <p>In terms of the relationship between the District Council, County Council and Town and Parish Councils, additional text has been added to the revised SPD to emphasise the importance of early discussion and ongoing engagement.</p> <p>With regard to the issue of greater transparency, the District Council is now required to produce an annual Infrastructure Funding Statement (IFS) to provide greater clarity on funding received from development and how it is being allocated and spent.</p>

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**WEST OXFORDSHIRE
DISTRICT COUNCIL**

ANNEX B

**West Oxfordshire District Council
Revised Draft Developer Contributions
Supplementary Planning Document (SPD)**

August 2022

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Part 1 – About Developer Contributions

1. Introduction

- 1.1 Developer contributions are provided in order to mitigate the impact of new development. Typical examples include the provision of green space, school places and transport improvements. Such contributions are also sometimes referred to as ‘planning obligations’.
- 1.2 There are several forms of developer contributions and the purpose of this SPD is to explain what those are and more specifically, what contributions are likely to be sought in West Oxfordshire.
- 1.3 The SPD is aimed at a broad audience including landowners and developers, statutory providers, partners, stakeholders, service providers, Town and Parish Councils and the local community.
- 1.4 Consultation on an initial draft version of the SPD took place in November 2020 with 25 responses received. The main issues raised have been taken into account in this revised draft¹ which will be the subject of a further 6-week public consultation before being formally adopted by the Council. Once adopted, it will become a material consideration in the determination of any relevant planning applications that come forward.
- 1.5 The revised draft SPD should be read in conjunction with the [West Oxfordshire Local Plan 2031](#), the [West Oxfordshire Infrastructure Delivery Plan](#) (IDP) and Oxfordshire County Council’s [Developer Guide to Infrastructure Delivery and Contributions](#) (Approved 3rd April 2021). It will also help to support the new Council Plan which is due to be finalised in autumn 2022.
- 1.6 Further, more general information on developer contributions is set out in the Government’s Planning Practice Guidance on [Planning Obligations](#) and the [Community Infrastructure Levy](#) (CIL).

2. What are developer contributions?

- 2.1 Developer contributions (sometimes referred to as planning obligations) are contributions made by a developer to mitigate the impact of a proposed development. They can be provided directly, such as a new area of green space provided within a housing scheme, or through a financial contribution e.g. a payment towards increasing the capacity of a local school.
- 2.2 The main types of developer contributions include:
 - Section 106 agreements
 - Section 278 agreements
 - Community Infrastructure Levy (CIL)

¹ See separate Consultation Summary Report for further information – weblink to be added

2.3 These are briefly summarised below.

Section 106 Agreements

2.4 A Section 106 agreement² is a legally binding agreement entered into by a developer to mitigate the impact of a proposed development. Often such agreements address items such as the provision of new affordable homes, recreation and leisure facilities, education, transport and health.

2.5 Generally speaking, S106 agreements are only used in relation to larger development proposals (e.g. 10 or more homes) because of their greater impact.

2.6 Importantly, S106 agreements are focused on site-specific mitigation and must meet three key tests³. In particular, they must be:

- a) Necessary to make the development acceptable in planning terms;
- b) Directly related to the development; and
- c) Fairly and reasonably related in scale and kind to the development.

Section 278 Agreements

2.7 Section 278 agreements⁴ are made between the highway authority (Oxfordshire County Council) and a third party to deliver improvements to the existing public highway such as the construction of a new access, junction improvements and traffic calming measures.

2.8 The general process for S278 agreements is similar to that for a Section 106 agreement although led by the County Council with more limited scope for negotiation. Such agreements normally cover details of the works including an agreed design, details of how this will be managed, a programme of works and commuted sums and bonds.

2.9 Trigger points for entering into or completing a Section 278 agreement will often be specified as part of a Section 106 agreement. Again, such agreements tend to generally relate to larger developments.

Community Infrastructure Levy (CIL)

2.10 CIL is an optional charge which local authorities can choose to impose on new development to help fund new and enhanced infrastructure. Unlike Section 106 agreements which tend to focus on larger developments and address site-specific matters, CIL can be sought from much smaller developments and spent more generally on infrastructure across a wider area.

2.11 As CIL is optional, it only applies in areas where the Council has an adopted charging schedule in place setting out the agreed rate/s.

² Referred to as Section 106 agreements because they stem from Section 106 of the Town and Country Planning Act 1990

³ In accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations (as amended)

⁴ Stems from Section 278 of the Highways Act 1980

- 2.12 CIL is not currently in place in West Oxfordshire. Consultation took place on a draft CIL charging schedule from 10 July – 21 August 2020⁵ but the schedule has not yet been submitted for examination. The District Council anticipates making further progress with CIL during 2022.

Planning Conditions

- 2.13 Local authorities can also mitigate the impact of new development and enhance quality through the use of appropriate planning conditions. These typically cover required standards, further details, timeframes and works that must be carried out at prescribed stages.
- 2.14 When used properly, planning conditions can enhance the quality of development and enable development to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects⁶. Such conditions should be kept to a minimum and only imposed where they are *'necessary, relevant, enforceable, precise and reasonable'*.

How do Section 106 agreements, Section 278 agreements, CIL and planning conditions relate to each other?

- 2.15 The various mechanisms outlined above are intended to co-exist and complement each other because they all do slightly different things.

- 2.16 In summary:

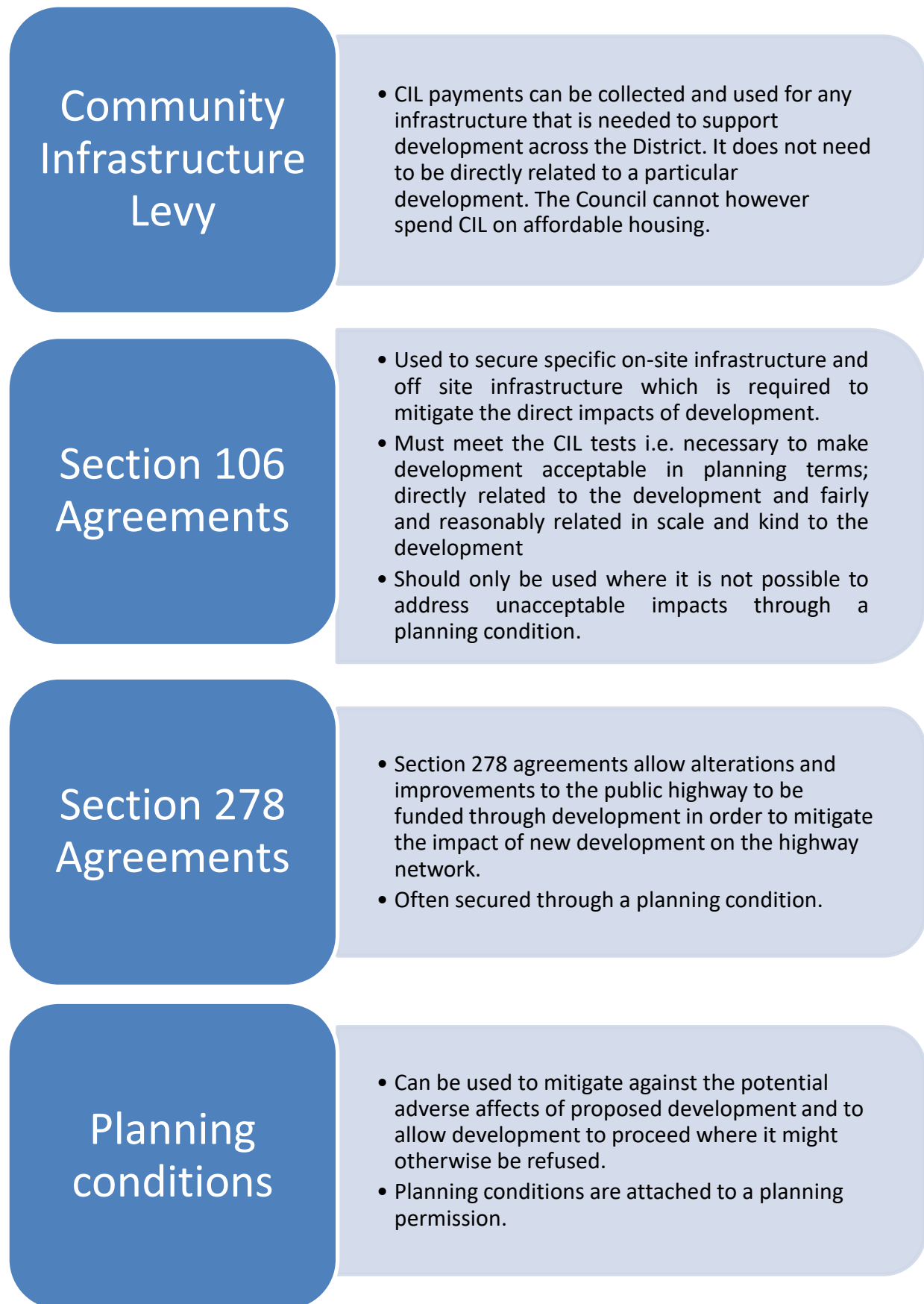
- Planning conditions are attached to a planning permission to help mitigate and enhance the quality of development;
- Section 106 agreements tend to be used on larger developments and stipulate certain requirements to help mitigate the impact of the development, focusing on site-specific matters such as the provision of affordable housing and new green space;
- Section 278 agreements focus specifically on improvements to the public highway;
- CIL is an optional charge which only applies where a charging schedule has been adopted. It is more 'general' in the sense that it is not tied to a particular development and can be spent on various projects over a wide area. It can also be sought from smaller developments subject to certain exemptions such as self/custom-build housing.

- 2.17 As such, it is quite possible for a proposed development to be subject to all of these mechanisms or just some of them. This will depend on a number of factors including the type, size and impact of development and whether CIL is in place or not.

⁵ <https://www.westoxon.gov.uk/planning-and-building/community-infrastructure-levy/community-infrastructure-levy-examination/>

⁶ MHCLG Practice Guidance – Use of Planning Conditions Paragraph: 001 Reference ID: 21a-001-20140306

Figure 1 – Illustration of the different types of developer contribution and use of planning conditions



**Part 2 - What developer contributions will be sought in
West Oxfordshire?**

3. What developer contributions will be sought in West Oxfordshire?

3.1 This section explains the main types of developer contributions that will be sought in West Oxfordshire, with cross-references to relevant national and local policy provided as appropriate.

3.2 For ease of reference, these potential requirements are set out under the following headings:

- Affordable housing
- Custom and Self-Build Housing
- Education
- Transport and movement
- Sport, leisure and recreation
- The environment
- Community and culture
- Health and social Care
- Emergency services
- Employment, skills and training
- Waste and recycling/waste management
- Utilities

3.3 These potential requirements will help to support the health and well-being of our local communities as well as tackling the climate and ecological emergency which we are facing. Enabling walking and cycling will for example help to reduce reliance on the use of the private car and encourage healthy exercise whilst securing biodiversity net gain and additional green space provision will help to address species decline and provide space for leisure and shade.

3.4 It is important to note however that not all of the potential contributions identified will be relevant to all development proposals and that the actual 'package' of developer contributions that is ultimately secured will depend on a number of factors including the type, scale and location of development.

3.5 These indicative requirements should also be read in conjunction with Oxfordshire County Council's Guide to Developer Contributions (April 2021)⁷ which provides detailed guidance in relation to transport and education as well as other matters including flood and water management, extra-care housing, archaeology, fire and rescue, the natural environment and energy efficiency.

3.6 Given that the District Council does not yet have CIL in place, the primary focus of this section is on the use of Section 106 agreements, Section 278 agreements and planning conditions. On the basis that the District Council remains committed to introducing CIL, Appendix 1 provides an indication of how the District Council may choose to spend any future CIL receipts.

⁷ <https://www.oxfordshire.gov.uk/residents/roads-and-transport/transport-policies-and-plans/transport-new-developments/developer-contributions>

3.7 Further information on the infrastructure projects or types of infrastructure that the District Council intends to fund via CIL must be included as part of the Council's Infrastructure Funding Statement – IFS⁸ published annually.

4. Affordable Housing

4.1 The NPPF highlights the importance of providing for the needs of groups with specific housing requirements including, but not limited to, those who require affordable housing⁹.

4.2 The West Oxfordshire Local Plan 2031 recognises that housing affordability is a key issue and increasing the number, type and distribution of affordable housing is a priority of the Council.

4.3 In accordance with Local Plan Policy H3, certain 'qualifying' market housing schemes will be required to make a contribution – either directly on-site by building a proportion of new homes as affordable properties or by making a financial contribution towards new affordable homes elsewhere in the District.

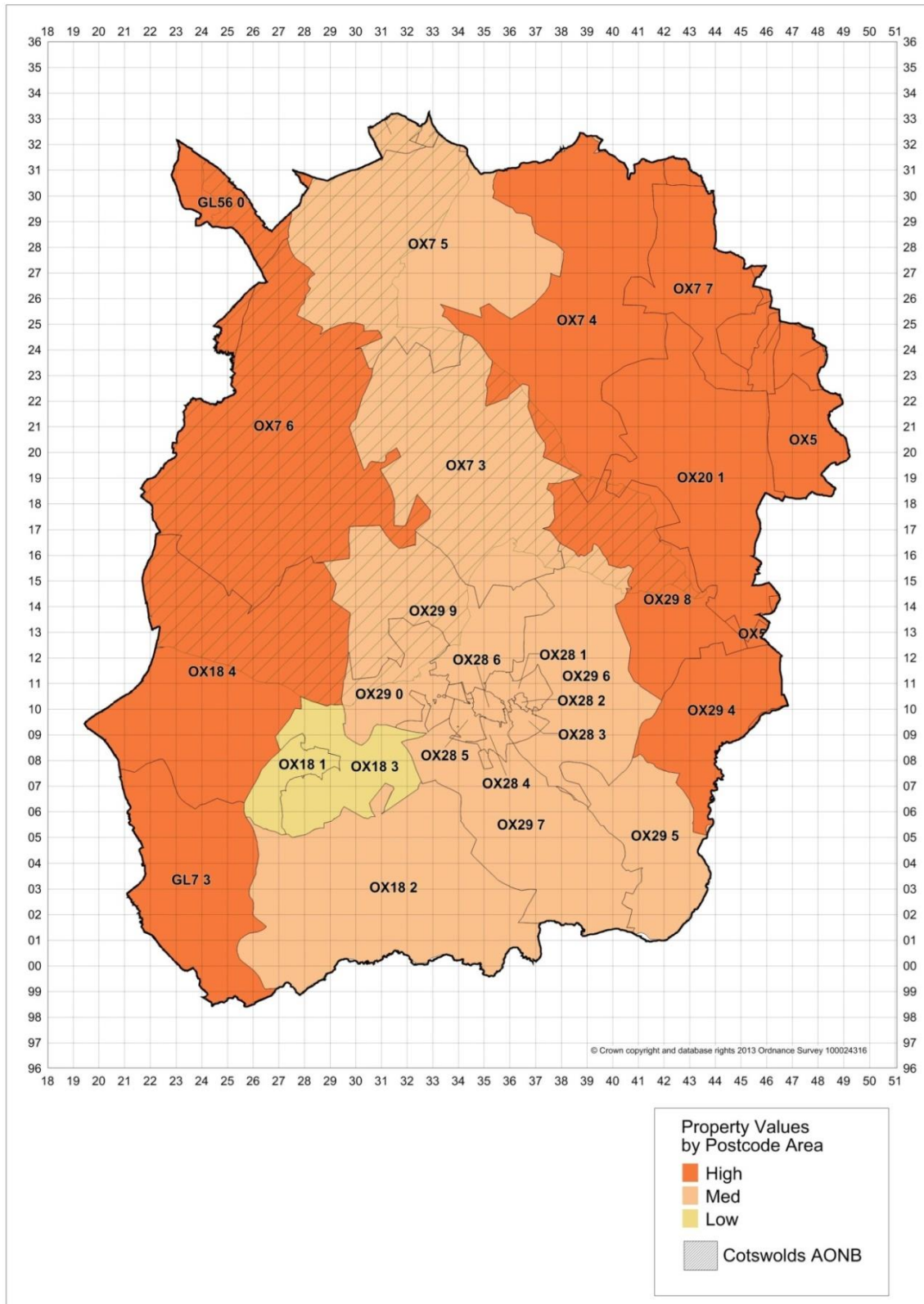
4.4 The full details are set out in Local Policy H3 – Affordable Housing but in summary:

- Within the Cotswolds Area of Outstanding Natural Beauty (AONB) smaller market housing schemes of between 6-10 units and which have a maximum combined gross floorspace of no more than 1,000 sqm are required to make a financial contribution towards the provision of affordable housing 'off-site'.
- Across the District as a whole (including within the AONB) larger market housing schemes of 11 or more units or which have a maximum combined gross floorspace of more than 1,000 sqm, will be required to provide a proportion of affordable housing on site, with the amount required varying from 35%, 40% and 50% according to location (lower, medium and higher value areas respectively).
- In some instances on such larger schemes, a combination of on-site provision and a financial contribution may be appropriate.

⁸ <https://www.westoxon.gov.uk/planning-and-building/community-infrastructure-levy/infrastructure-spending-and-funding/>

⁹ NPPF paragraphs 62 and 63 in particular

Figure 2 – West Oxfordshire Local Plan 2031 ‘Value Zones’



Affordable Housing – summary of developer contribution to be sought:

Within the Cotswolds AONB, market housing schemes of between 6-10 units and which have a maximum combined gross floorspace of no more than 1,000 sq.m will be required to make a financial contribution towards the provision of affordable housing off-site within the District.

Across the District as a whole, housing schemes of 11 or more units or which have a maximum combined gross floorspace of more than 1,000m² will be required to provide affordable housing on-site as a proportion of the market homes proposed as follows:

- High value zone (50%)
- Medium value zone (40%)
- Low value zone (35%)

The following levels of affordable housing provision will be applied in relation to sheltered housing and extra-care housing:

Sheltered housing

- High value zone (50%)
- Medium value zone (40%)
- Low value zone (35%)

Extra-care housing

- High value zone (45%)
- Medium value zone (35%)
- Low value zone (10%)

Relevant Policy Context:

NPPF – Paragraphs 62 and 63

West Oxfordshire Local Plan 2031: Policy H3 – Affordable Housing

- 4.5 Further information on the provision of new affordable housing including guidelines on preferred tenures and property sizes is set out in the District Council's separate [Affordable Housing Supplementary Planning Document \(SPD\)](#) which was formally adopted in October 2021.

5. Custom and Self-Build Housing

- 5.1 Custom-build and self-build housing is housing which is built by an individual, a group of individuals, or persons working with or for them, to be occupied by that individual. Such housing can be either market or affordable housing¹⁰.
- 5.2 National policy¹¹ requires local authorities to have an understanding of the housing needs of specific groups in the community including those who wish to commission or build their own homes.
- 5.3 More specifically, the Self Build and Custom Housebuilding Act 2015 requires local authorities to keep a register of those seeking to acquire serviced plots and to grant enough planning permissions to meet the identified demand. Further information is available on the District Council's website¹².
- 5.4 The importance of providing opportunities for those wishing to commission or build their own home is reflected in Local Plan Policy H5 – Custom and Self-Build Housing which requires all larger housing developments of 100 or more homes to make 5% of serviced residential plots available for the purpose of custom and self-build housing. This will typically be secured through a Section 106 legal agreement.
- 5.5 Policy H5 also supports individual custom and self-build housing schemes in suitable, sustainable locations. Where smaller residential schemes are specifically promoted as being provided for the purposes of self / custom-build housing, a Section 106 legal agreement or planning condition will be used to secure such provision as appropriate.
- 5.6 The District Council will also assist in helping to identify suitable and deliverable sites through Neighbourhood Plans and by encouraging the re-use of existing buildings (in accordance with Policies OS2, H2 and E3 of the Local Plan).

Custom and Self-Build Housing – summary of developer contribution to be sought:

Larger residential housing schemes of 100 or more homes will be required to include 5% of the residential plots to be serviced and made available for the purposes of self and custom build housing.

This will generally be secured by way of a Section 106 legal agreement.

Where smaller residential schemes are specifically promoted as being provided for the purposes of self / custom-build housing, a Section 106 legal agreement or planning condition will be used to secure such provision as appropriate.

Relevant Policy Context:

NPPF - Paragraph 62

West Oxfordshire Local Plan 2031: Policy H5 – Custom and Self-Build Housing

¹⁰ See NPPF Glossary

¹¹ NPPF Paragraph 62

¹² <https://www.westoxon.gov.uk/housing/self-build-housing/>

6. Education

- 6.1 New housing development often increases the number of school age children, which in turn can place strain on the capacity of existing schools. As such, the NPPF¹³ stresses the importance of providing a sufficient choice of school places to meet the needs of existing and new communities.
- 6.2 In West Oxfordshire, there are a total of 47 primary schools, two infant schools, one nursery, one special school and seven secondary schools¹⁴. The Local Plan highlights a lack of capacity at primary level as a particular issue.

Overall Approach

- 6.3 Oxfordshire County Council is the education authority and has a statutory responsibility to ensure sufficient school and childcare places including early years (0-4), primary, secondary, further education and special educational needs or disability (SEND).
- 6.4 Detailed guidance is set out in Oxfordshire County Council's [Guide to Developer Contributions](#) but in essence, the demand for school places associated with new development is assessed against school capacity and where there is (or expected to be) insufficient capacity to satisfactorily meet those extra demands, it may lead to a requirement for S106 contributions.
- 6.5 The County Council generally only assesses the education impacts from larger housing schemes of 10 or more homes, however in some instances, smaller schemes may be assessed depending on their relationship to other housing developments as well as potential cumulative impacts.

Early Years

- 6.6 Early Years and Childcare provision includes nurseries, childminders, playgroups or pre-schools. A shortage of early education places, especially for 2-year-olds, has been identified in the Council's Infrastructure Delivery Plan – IDP (2016). Pressure on places is growing in Witney, Eynsham and Carterton and the Local Plan Strategic Development Areas (SDAs) will increase demand further.
- 6.7 Where there is insufficient capacity to meet the needs of a new development, this should be increased by expanding existing facilities or through the creation of new facilities. New opportunities to provide early years or childcare places, either through private, voluntary or independent nurseries, will be sought within larger strategic developments.

¹³ Paragraph 95

¹⁴ Source: West Oxfordshire Infrastructure Delivery Plan 2016

Primary and Secondary School Provision

- 6.8 Oxfordshire County Council produces a Pupil Place Plan¹⁵ annually setting out how school provision is anticipated to change in the future and how the authority proposes to meet its statutory duties. The County Council is required to determine and plan, in consultation with schools, how sufficient capacity will be provided.
- 6.9 The potential need for a contribution is established by assessing the number of pupils generated by the development, whilst also taking into account factors such as other housing developments with planning permission and the capacity of existing schools¹⁶.
- 6.10 Where contributions are required, this may be on the basis of a solely financial contribution and/or may involve the provision of land and infrastructure e.g. for a new school or to enable expansion of an existing school.
- 6.11 For very large residential schemes (where the scale of pupils generated cannot be accommodated through school expansions) it may be necessary to provide a new school or schools on-site as part of the development. As a general rule of thumb, proposals involving 400 or more homes may require the provision of a new primary school (depending on existing provision).
- 6.12 When the scale of development necessitates a new school, the developer/s will be expected to provide an appropriate remediated and serviced piece of land free of charge. In some cases the County Council may seek an option for remediated expansion land which can be funded by another adjacent development. Where the development is not a host site for a new school it may be appropriate to make a contribution to fund land acquisition.
- 6.13 For the expansion of existing schools, the level of contribution will be calculated based on the anticipated pupil generation from the development set against standard £/per pupil rates, or where a feasibility study has been carried out, the estimated cost of the expansion. Where the expansion project requires the acquisition of additional land, the cost of this will be factored into the level of contributions sought.
- 6.14 For smaller residential schemes of 10 or more new homes, the County Council will seek an appropriate financial contribution towards increasing the capacity of an existing school or schools or towards an off-site new school serving multiple developments. In some cases additional contributions may be required towards temporary accommodation, where the permanent accommodation cannot be delivered in time to meet the need from population growth.

¹⁵ https://www.oxfordshire.gov.uk/sites/default/files/file/children-and-families/Pupil_Place_Plan_2019.pdf

¹⁶ Note that temporary school accommodation is excluded when assessing existing school capacity.

Special Educational Needs and Disabilities Provision (SEND)

- 6.15 The County Council as an education authority has a duty to identify and assess the special educational needs and disabilities (SEND) of children and young people for whom they are responsible¹⁷. In fulfilling its statutory duty to secure sufficient schools in its area, it must consider the need to secure the necessary provision.
- 6.16 Any impact on SEND capacity and provision is taken into account by the County Council as part of their overall assessment of the impact of a new development. Financial contributions may be sought towards SEND either in relation to the provision of a new special school or towards the expansion of an existing facility. Further guidance on how such calculations will be determined is set out in the County Council's [Guide to Developer Contributions](#) (April 2021).

Education - summary of developer contribution to be sought:

For larger residential schemes of more than 10 homes¹⁸, where necessary, directly, fairly and reasonably related in scale and kind to the development, the provision of educational facilities and associated infrastructure, including the provision of land (as appropriate) and extensions to existing facilities, will be secured through a Section 106 legal agreement.

Any such contribution will be considered on a case-by-case basis and will be calculated and agreed in accordance with the procedures and requirements of Oxfordshire County Council as the Local Education Authority.

Relevant Policy Context:

**NPPF – Paragraph 95
West Oxfordshire Local Plan 2031: Policy OS5 – Supporting Infrastructure**

¹⁷ See Paragraph 42 of the Oxfordshire County Council Guide to Developer Contributions (April 2021).

¹⁸ Note: in some instances, smaller schemes may be assessed depending on their relationship to other developments as well as potential cumulative impacts.

7. Transport and Movement

- 7.1 The NPPF¹⁹ requires transport issues to be considered at an early stage so that the potential impacts of development can be addressed. The focus should be on locating development in the most sustainable places, limiting the need for travel and offering a genuine choice of transport modes.
- 7.2 Oxfordshire County Council is the local highway authority and local transport authority and works closely with the District Council to ensure that the transport network supports sustainable growth. The County Council provides co-ordinated advice on development proposals through its consultation response on planning applications. This may specify requirements for measures to mitigate the transport and other impacts of the development, which can be secured through legal agreements.
- 7.3 Detailed information and advice on these potential requirements is set out in the County Council's [Guide to Developer Contributions](#) (April 2021). An overview is provided below.

Highways and Access

- 7.4 In considering development proposals, any significant impacts on the transport network or on highway safety will need to be mitigated to an acceptable degree. Developments that have significant transport implications will be required to include a Transport Assessment (TA) and Travel Plan – the scope of which should be agreed with Oxfordshire County Council at an early stage.
- 7.5 This information will help the County Council determine the likely impact upon the highway and therefore the scope of any highway works, or other mitigation measures that may be needed. These will be negotiated on a case-by-case basis and may be funded through a financial contribution to the County Council or delivered directly by a developer.
- 7.6 Direct infrastructure provision required to mitigate development will be included in a planning obligation. Physical alterations to the highway network required to mitigate the effects of a development will be managed through a highways agreement with the Highway Authority (known as a Section 278 or S278 Agreement). Examples of such works include the construction of a new access, junction improvements or safety related works such as traffic calming.
- 7.7 Where the cumulative impact of a number of developments requires a specific highway improvement project, the County Council may secure financial contributions through a S106 agreement or through S278/S38 contributions and procure the necessary works.

¹⁹ Specifically Section 9 – Promoting Sustainable Transport

Highways and Access - summary of developer contribution to be sought:

For larger residential schemes of more than 10 homes²⁰, where necessary, directly, fairly and reasonably related in scale and kind to the development, the provision of highway and access improvements (either directly or through a financial contribution) will be secured through a planning obligation such as a Section 278 and/or Section 106 legal agreement.

The amount/nature of any contribution will be considered on a case-by-case basis and will be agreed with Oxfordshire County Council as the local highway authority.

Relevant Policy Context:

NPPF – Section 9

LTP4 – ‘Connecting Oxfordshire’ (2015 – 2031)

West Oxfordshire Local Plan 2031: Policy OS5 – Supporting Infrastructure, T1 - Sustainable Transport, T2 - Highways Improvement Schemes, T3 - Public Transport, Walking and Cycling

Public Transport (services and infrastructure provision)

- 7.8 Improvements to public transport have a key role to play in encouraging fewer car journeys, reducing carbon emissions and encouraging active lifestyles. Maximising the opportunities for public transport is a core objective of the West Oxfordshire Local Plan 2031.
- 7.9 As the Local Highway Authority and Local Transport Authority, Oxfordshire County Council has statutory responsibility for public transport²¹, although the District Council also has an important role to play, working in partnership with the County Council and other organisations such as Network Rail, to help to improve bus and rail services.
- 7.10 Oxfordshire County Council has developed a Bus and Rapid Transit Strategy (BRTS) which seeks to enhance the role of the bus as a key component of the overall public transport network in the county. The strategy aims to increase the frequency of existing bus routes and introduce new routes where different travel patterns are created in order to minimise car journeys and takes accounts of other plans and strategies prepared by key partners, including bus operators, Network Rail, GWR, and the North Cotswold Line Task Force.

²⁰ Note: in some instances, smaller schemes may be assessed depending on their relationship to other developments as well as potential cumulative impacts.

²¹ Under the Transport Act 1985, the Transport Act 2000, the Traffic Management Act 2004 and the Local Transport Act 2008

- 7.11 Section 106 contributions may therefore be requested from developers in order to ‘pump prime’ new routes or incremental enhancements to existing routes. Contributions may be sought:
- to support the development of new bus services;
 - to increase the frequency of existing bus services;
 - to maintain and develop existing bus services where these would otherwise be subject to reduced frequency or cease to operate; and
 - for installation and maintenance of Real Time Passenger Information (RTPI) bus stop infrastructure.
- 7.12 The focus will be on creating or enhancing services such that they do not require ongoing financial support from the County Council in the longer-term.
- 7.13 In some instances, contributions towards enhanced rail improvements may also be sought from larger new developments.
- 7.14 Any contribution sought will be assessed on a case by case basis and shall have regard to the impact that the development is likely to have on the public transport system including relevant considerations such as the size and location of the proposed development. The County Council has a standard approach to financial contributions for public transport services and infrastructure, dependent on the location of the development. Advice on this will be given at pre-application and application stages as appropriate. Further information is set out in the County Council’s [Guide to Developer Contributions](#) (April 2021) and advice can be provided by the County Council at the pre-application stage on the level and type of provision which is likely to be sought.
- 7.15 Developers will not usually be permitted to procure public transport services directly with operators unless there is a compelling reason to do so. This is in the interests of public transport co-ordination and integration across the county.

Public Transport services and infrastructure provision - summary of developer contribution to be sought:

For larger residential schemes of more than 10 homes²², where necessary, directly, fairly and reasonably related in scale and kind to the development, financial contributions towards the provision of and/or improvements to public transport services will be secured through a Section 106 legal agreement.

Improvements to public transport infrastructure, where necessary, will usually be secured through a Section 278 legal agreement.

The amount/nature of any contribution will be considered on a case-by-case basis and will be agreed with Oxfordshire County Council as the local highway authority.

²² Note: in some instances, smaller schemes may be assessed depending on their relationship to other developments as well as potential cumulative impacts.

Relevant Policy Context:

NPPF – Section 9

LTP4 – ‘Connecting Oxfordshire’ (2015 – 2031)

West Oxfordshire Local Plan 2031: Policy OS5 – Supporting Infrastructure, T1 - Sustainable Transport, T2 - Highways Improvement Schemes, T3 - Public Transport, Walking and Cycling

Healthy and Active Travel

- 7.16 The West Oxfordshire Local Plan 2031 recognises the importance of enabling more active forms of travel including walking and cycling to reduce car based travel and improve health and wellbeing.
- 7.17 Improving public health, safety and individual wellbeing is an overarching goal of OCC’s Local Transport Plan 4 – LTP4 (2011-2031). LTP4 includes an Active Healthy Strategy (AHTS) which aims to create the conditions in which more people choose to walk and cycle for more journeys, including those where people use a combination of walking, cycling and public transport to reach their destination.
- 7.18 The District Council has a key role to play in ensuring that new development is supported by new and enhanced pedestrian and cycle infrastructure in liaison with Oxfordshire County Council and other providers. WODC will continue to work with these partners and developers to help deliver attractive and convenient routes including connections to key services such as public transport hubs.
- 7.19 In order to further promote active travel, the provision of high quality, well designed and well maintained connections and associated infrastructure including appropriate lighting, clear signage and secure cycle storage is essential. Developers should demonstrate through masterplanning and design how their site has been planned to prioritise walking and cycling. Developers are encouraged to use the Oxfordshire [Walking](#) and [Cycling](#) Design Standards.
- 7.20 Contributions may be sought for the upgrade of existing cycleway and footpaths and the provision of new connections as well as other relevant initiatives such as improved facilities along these routes.

Healthy and Active Travel - summary of developer contribution to be sought:

For larger residential schemes of more than 10 homes²³, where necessary, directly, fairly and reasonably related in scale and kind to the development, contributions may be required towards measures including new and upgraded cycle & pedestrian infrastructure as well as initiatives to promote cycling and walking associated with travel to/from and at the development.

²³ Note: in some instances, smaller schemes may be assessed depending on their relationship to other developments as well as potential cumulative impacts.

The amount/nature of any contribution will be considered on a case-by-case basis and will be agreed with Oxfordshire County Council as the local highway authority.

Any such contribution will be secured through a Section 106 legal agreement.

Relevant Policy Context:

NPPF – Section 9

LTP4 – ‘Connecting Oxfordshire’ (2015 – 2031)

West Oxfordshire Local Plan 2031: Policy OS5 – Supporting Infrastructure, T1 - Sustainable Transport, T3 - Public Transport, Walking and Cycling

Travel Planning

- 7.21 Travel Plans are long-term management strategies which aim to help integrate sustainable travel options into developments by considering opportunities for walking, cycling and public transport.
- 7.22 Travel Plans typically include a range of measurable actions and targets which can be monitored throughout the lifetime of the development. Travel plans can be sought on a wide range of planning applications including retail, leisure, employment, residential and mixed use schemes as appropriate.
- 7.23 As a general rule, standard, simple Travel Plans tend to be secured via a planning condition whereas more complex and larger-scale Travel Plans tend to be secured via a Section 106 agreement which enables financial contributions and/or Travel Plan Monitoring fees to be secured. For smaller residential schemes of between 10-49 homes, a Travel Information Pack may be sufficient.
- 7.24 Further information on the scale of development that will trigger a Travel Plan and the relevant monitoring fees that will apply is set out in the County Council’s [summary of travel plan threshold and monitoring fees](#).

Travel Plans - summary of developer contribution to be sought:

Where necessary, directly, fairly and reasonably related in scale and kind to the development, a Travel Plan may be required to be secured through either a planning condition or Section 106 legal agreement.

Relevant Policy Context:

NPPF – Section 9

LTP4 – ‘Connecting Oxfordshire’ (2015 – 2031)

West Oxfordshire Local Plan 2031: Policy OS5 – Supporting Infrastructure, T1 - Sustainable Transport, T3 - Public Transport, Walking and Cycling

8. Sport, leisure and recreation

- 8.1 There is a growing movement in Oxfordshire to embed healthy place-shaping in the planning process so that we create sustainable, well-designed communities where healthy behaviours are the norm. A key component of healthy place-shaping is shaping the built environment so that people can easily access green space and are enabled to walk and cycle more.
- 8.2 The rural nature of the District lends itself to outdoor activities with water-based opportunities to the south of the District on the River Thames and on the lakes created through sand and gravel extraction in the Lower Windrush Valley.
- 8.3 Local Plan Policy EH4 – Public Realm and Green Infrastructure requires new development to provide opportunities for improvements to the District’s multi-functional network of Green Infrastructure and open space with contributions to be sought where appropriate.
- 8.4 Policy EH5 – Sport, Recreation and Children’s Play requires new development to provide or contribute towards the provision of necessary improvements to open space, sports and recreational buildings and land.
- 8.5 The circumstances in which developer contributions may be sought towards sport, leisure and recreation in West Oxfordshire is further explained below. This includes the following types of provision:
- Indoor Sport and Leisure Facilities
 - Outdoor Sports (e.g. Playing Pitches and Courts)
 - Play Areas
 - Allotments and other community growing space
 - Other Green Space
 - Public Rights of Way

Indoor Sport and Leisure Facilities

- 8.6 The District’s three main service centres Witney, Carterton and Chipping Norton all have leisure centres, with Carterton’s leisure centre benefitting from substantial upgrades including a sports hall, trampoline and soft play park, new café, and upgraded gym.
- 8.7 To provide evidence of the future needs for indoor sport and leisure facilities across the District, the Council commissioned an ANOG (Analysing, needs and opportunities) in 2020. The Council has also recently commissioned a strategic assessment of the need for sports hall provision and swimming pool provision through Sport England in the form of a Facilities Planning Model run.
- 8.8 In respect of sports hall provision, while there are 16 sports and activity halls over 11 facilities in West Oxfordshire, the stock is old and the majority have not had any modernisation since they were opened. Furthermore, all but one of the sports halls are located in the south of the District. There is also a heavy reliance on education sites for sports halls and no commercial sites.

- 8.9 In respect of swimming pools, while there are 9 pools over 6 sites, the stock is old and in some instances coming to the end of their useful life.
- 8.10 In light of the above, for very large residential developments (i.e. typically more than 500 homes) where there is a demonstrable need, the District Council may seek to secure the provision of on-site indoor sport and leisure facilities as part of the development through a Section 106 legal agreement.
- 8.11 If this is not feasible or desirable, an appropriate financial contribution will be sought through a Section 106 legal agreement towards off-site provision. A financial contribution may also apply to smaller residential schemes of more than 10 homes and will be secured through a Section 106 legal agreement.
- 8.12 The quality and design of sports facilities should reflect current best practice, including design guidance from Sport England and the national governing bodies of the relevant sports. Early discussion with the District Council’s leisure team at the pre-application stage is strongly encouraged.

<p><u>Indoor Sport and Leisure - summary of developer contribution to be sought:</u></p> <p>Larger residential developments of more than 500 homes will, where necessary, directly, fairly and reasonably related in scale and kind to the development, be expected to provide indoor sport and leisure facilities as part of the development.</p> <p>Where this is not feasible or desirable, an appropriate financial contribution towards off-site provision will be sought.</p> <p>Smaller residential schemes of more than 10 new homes will, where necessary, directly, fairly and reasonably related in scale and kind to the development, be expected to make a financial contribution towards new and enhanced indoor sport and leisure facilities off-site.</p> <p>Both on and off-site provision will be secured by way of a Section 106 legal agreement.</p>
<p><u>Relevant Policy Context:</u></p> <p>NPPF Section 8 - Promoting Healthy and Safe Communities West Oxfordshire Local Plan 2031: Policy OS5 - Supporting Infrastructure, EH5 Sport, Recreation and Children’s Play</p>

Outdoor Sports (e.g. playing pitches and courts)

- 8.13 Outdoor sports provision forms an important part of the overall sports and leisure ‘offer’ of the District and includes school playing fields where they are open to the community, sports fields and pitches.

- 8.14 In terms of developer requirements for outdoor sports, the District Council will have regard to the 2015 Fields in Trust publication; '[Guidance for Outdoor Sport and Play; Beyond the Six Acre Standard](#)'. This sets a benchmark level of provision of 1.6 ha of outdoor sports provision per 1,000 people applied on a pro-rata basis, depending on the projected population increase associated with the development. Regard will also be had to the findings of the District Council's new Playing Pitch Strategy (PPS) which is due to be published by autumn 2022.
- 8.15 In summary, for larger residential schemes of more than 50 homes, where necessary, directly, fairly and reasonably related in scale and kind to the development, provision may be sought for the 'on-site' provision of outdoor sports based on the above standard. Such provision will be secured through a Section 106 legal agreement.
- 8.16 If this is not feasible or desirable, an appropriate financial contribution will be sought through a Section 106 legal agreement towards off-site provision. A financial contribution may also apply to smaller residential schemes of more than 10 homes and will be secured through a Section 106 legal agreement.
- 8.17 Any on-site facilities will require a commuted sum (maintenance) contribution and this is usually required to cover the cost of maintenance for 15 years.

Outdoor Sports - summary of developer contribution to be sought:

Larger residential developments of more than 50 homes will, where necessary, directly, fairly and reasonably related in scale and kind to the development, be expected to provide outdoor sport facilities as part of the development.

This will be based on an indicative quantitative requirement of at least 1.6 ha per 1,000 population (applied on a pro-rata basis).

Where this is not feasible or desirable, an appropriate financial contribution will be sought.

Smaller residential schemes of more than 10 new homes will, where necessary, directly, fairly and reasonably related in scale and kind to the development, be expected to make a financial contribution towards new and enhanced outdoor sport and leisure facilities off-site.

Both on and off-site provision will be secured by way of a Section 106 legal agreement.

Relevant Policy Context:

**NPPF Section 8 - Promoting Healthy and Safe Communities
West Oxfordshire Local Plan 2031: Policy OS5 - Supporting Infrastructure, EH5 Sport, Recreation and Children's Play**

Play Areas

- 8.18 There are a number of different forms of outdoor play space including:
- Local Areas for Play (LAPs) - primarily for under-6s;
 - Local Equipped Areas for Play (LEAPs) – for children who are beginning to go out and play independently;
 - Neighbourhood Equipped Areas for Play (NEAPs) - mainly for older children but with play opportunities for younger children too.
- 8.19 Other outdoor play provision can include multi-use games areas (MUGAs) skate parks and exercise equipment for all ages.
- 8.20 In terms of potential developer contributions, the District Council will again be guided by the benchmark guidelines set out in the 2015 Fields in Trust publication; [‘Guidance for Outdoor Sport and Play; Beyond the Six Acre Standard’](#) which sets a standard of 0.25 ha per 1,000 population for LAPs, LEAPs and NEAPs and 0.3 ha per 1,000 population for other outdoor provision such as MUGAs and skateboard parks.
- 8.21 Play space should also be accessible in terms of comfortable walking distances, with the Fields in Trust Guidance suggesting that a LAP should be within 100m of any dwellings, a LEAP within 400m, a NEAP within 1,000m and other outdoor provision (e.g. MUGA or skate park) within 700m.
- 8.22 As a general guide, because they are relatively small²⁴ the Council may seek to secure the on-site provision of LAPs and LEAPs as part of housing schemes of more than 10 homes through a Section 106 legal agreement. On-site provision will not however always be appropriate or necessary and in some instances, a financial contribution will be sought as an alternative.
- 8.23 MUGAs, which are larger (typically 40m x 20m) will generally be sought on larger schemes of more than 200 homes depending on site-specific circumstances and local requirements.
- 8.24 NEAPs have a larger land take (minimum 31.6m x 31.6m) and as such, will generally only be sought on-site as part of larger housing schemes of more than 250 homes.
- 8.25 Where on-site provision is not made and where there is a demonstrable need for new and enhanced provision in the locality, the District Council will seek to secure an appropriate financial contribution through a Section 106 legal agreement.
- 8.26 The quality and design of sports facilities should reflect current best practice, including design guidance from Sport England and the national governing bodies of the relevant sports. Early discussion with the District Council’s leisure team at the pre-application stage is strongly encouraged.

²⁴ LAPs typically 10m x 10m and LEAPs typically 20m x 20m

- 8.27 Further information regarding play design principles has been produced by [Play England](#) to help inform developers. These include the need for play areas to be well-designed, well located, accessible to all children and flexible in the way they can be used.

Play Areas – summary of developer contribution to be sought:

For larger residential schemes of more than 10 homes, where necessary, directly, fairly and reasonably related in scale and kind to the development, the District Council will seek to secure the provision of a Local Area for Play (LAP) and/or Local Equipped Area for Play (LEAP) as part of the development.

This will be based on an indicative quantitative requirement of at least 0.25 ha per 1,000 population (applied on a pro-rata basis).

In respect of residential schemes involving more than 200 homes, the Council will seek to secure a Multi-Use Games Area (MUGA) as part of the development.

This will be based on a quantitative requirement of at least 0.3 ha per 1,000 population (applied on a pro-rata basis).

In respect of residential schemes involving more than 250 homes, the Council will seek to secure a Neighbourhood Equipped Area for Play (NEAP) as part of the development.

This will be based on a quantitative requirement of at least 0.25 ha per 1,000 population (applied on a pro-rata basis).

Where provision for play is not made on site, an appropriate financial contribution will be sought towards new or enhanced play space provision in the locality.

In some instances, a combination of on-site provision and a financial contribution towards off-site provision may be acceptable.

Both on and off-site provision will be secured by way of a Section 106 legal agreement.

Relevant Policy Context:

**NPPF Section 8 - Promoting Healthy and Safe Communities
West Oxfordshire Local Plan 2031: Policy OS5 - Supporting Infrastructure, EH5 Sport, Recreation and Children's Play**

Allotments and other community growing space

- 8.28 Ensuring easy access to affordable healthy food, including allotment space and community gardens, is essential in the creation of healthy places. Work has already started between Oxfordshire County Council, Good Food Oxfordshire, local businesses, Oxfordshire Clinical Commissioning Group, the voluntary and community sector, catering providers, universities, and the City and District Councils on making healthy and sustainable food a defining characteristic of living in Oxfordshire.

- 8.29 As a general guide, the District Council will seek the provision of allotments or other community growing space on larger housing schemes of more than 50 homes. The level of provision will generally be based on a standard of 0.3 ha/1,000 as per the benchmark set out in the 2015 Fields in Trust publication²⁵; [‘Guidance for Outdoor Sport and Play; Beyond the Six Acre Standard.](#)
- 8.30 Space should be provided in an accessible and suitable location within the site and the location should be agreed with the District Council at an early stage. Provision will typically be secured by way of a Section 106 planning obligation.
- 8.31 Where on-site provision is not feasible, financial contributions will be sought to allow for off-site upgrades/ extensions to local allotment sites or for the creation of new allotments or community growing space. Again, this will be secured by way of a Section 106 planning agreement.

Allotments and Other Community Growing Space - summary of developer contribution to be sought:

In respect of larger housing schemes of more than 50 homes, where necessary, directly, fairly and reasonably related in scale and kind to the development, provision of on-site allotments or other community growing space will be sought.

This will be based on an indicative quantitative requirement of at least 0.3 ha per 1,000 population (applied on a pro-rata basis).

Provision at Salt Cross Garden Village will be guided by the Area Action Plan (AAP) and any quantitative and qualitative requirements contained therein.

Where on-site provision is demonstrably not feasible, a financial contribution will be sought to enable off-site provision or enhancements to be made.

On and off-site provision will be secured by way of a Section 106 legal agreement.

Relevant Policy Context:

**NPPF Section 8 - Promoting Healthy and Safe Communities
West Oxfordshire Local Plan 2031: Policy OS5 - Supporting Infrastructure, EH4 – Public Realm and Green Infrastructure, EH5 - Sport, Recreation and Children’s Play**

²⁵ It should be noted that for Salt Cross Garden Village, the submission draft Area Action Plan (AAP) stipulates a slightly higher requirement of 0.39 ha/1,000.

Other Green Space

- 8.32 Other types of green space include formal parks and gardens, amenity green space and natural and semi-natural green space.
- 8.33 Formal parks and gardens include urban parks, country parks, forest parks, and formal gardens, amenity green space typically includes informal recreation spaces, communal green spaces in and around housing, and village greens, whilst natural and semi-natural green space includes woodland, scrub, grassland, wetlands, open and running water, and open access land.
- 8.34 In the interest of creating healthy communities, the District Council will seek to secure the provision of these types of other green spaces as an integral part of new development. The nature of spaces sought will depend on the scale of development, with smaller proposals lending themselves to amenity green space and natural and semi-natural green space and larger developments, a mixture of different types of green space including formal parks and gardens.
- 8.35 As a general guide, amenity green space will generally be sought on-site as part of residential schemes of more than 10 dwellings based on a quantitative requirement of 0.6 ha per 1,000 people.
- 8.36 Natural and semi-natural green space will be sought on schemes of more than 50 dwellings based on a quantitative requirement of 1.8 ha per 1,000 people.
- 8.37 Formal parks and gardens will be sought on site as part of schemes of more than 200 dwellings based on a quantitative requirement of 0.8 ha per 1,000 people.
- 8.38 Where on-site provision is not feasible, a financial contribution will be sought towards provision or enhancements off-site. Priority areas for off-site enhancements include Conservation Target Areas and areas where stakeholder/partnership projects, such as the Lower Windrush Valley Project, already exist.
- 8.39 On and off-site provision will both be secured through a Section 106 legal agreement.

Other Green Space - summary of developer contribution to be sought:

For residential schemes of more than 10 dwellings, where necessary, directly, fairly and reasonably related in scale and kind to the development, the Council will seek to secure the on-site provision of amenity green space.

This will be based on an indicative quantitative requirement of at least 0.6 ha per 1,000 population (applied on a pro-rata basis).

For residential schemes of more than 50 dwellings, the Council will seek to secure the on-site provision of natural and semi-natural green space.

This will be based on an indicative quantitative requirement of at least 1.8 ha per 1,000 population (applied on a pro-rata basis).

Provision at Salt Cross Garden Village will be guided by the Area Action Plan (AAP) and any quantitative and qualitative requirements contained therein.

For larger residential schemes of more than 200 dwellings, the Council will seek to secure the on-site provision of formal parks and gardens.

This will be based on an indicative quantitative requirement of 0.8 ha per 1,000 population (applied on a pro-rata basis).

Where the on-site provision of other green space is demonstrably not feasible, a financial contribution will be sought to enable off-site provision or enhancements to be made.

On and off-site provision will be secured by way of a Section 106 legal agreement.

Relevant Policy Context:

**NPPF Section 8 - Promoting Healthy and Safe Communities
West Oxfordshire Local Plan 2031: Policy OS5 - Supporting Infrastructure, EH4 – Public Realm and Green Infrastructure, EH5 - Sport, Recreation and Children’s Play**

Public Rights of Way (PRoW)

- 8.40 The NPPF states that planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users.
- 8.41 Policy EH5 of the West Oxfordshire Local Plan requires development to provide or contribute towards the provision of necessary improvements to open space and land where appropriate, including public rights of way.
- 8.42 Where developments affect Public Rights of Way, either within the development or off-site, Oxfordshire County Council should be contacted at the earliest possible stage. Particular regard should be had to the Oxfordshire Rights of Way Management Plan 2015 - 2025²⁶.
- 8.43 Oxfordshire County Council’s priority is to protect existing countryside access and to mitigate the impacts of development to enhance the network for all users. In assessing the potential impact of development, the County Council will take into account potential effects both within the development site itself as well as off-site.
- 8.44 Consequently, the County Council may seek works and/or financial contributions from developers to ensure that the PRoW network is appropriate to accommodate the extra demands or user impacts arising from new development. This includes protecting and enhancing access on individual developments, securing mitigation measures linked to individual development sites and seeking pooled contributions where appropriate towards important local area countryside access route assets.

²⁶ <https://www.oxfordshire.gov.uk/residents/environment-and-planning/countryside/countryside-access/rights-way-management-plan>

- 8.45 Contributions may be sought towards mitigation measures on existing rights of way in the wider area that are likely to be affected by the development. Contributions will be indexed and based on an assessment of the anticipated costs of individual schemes linked to a specific development site, not calculated with a standard tariff. Such contributions will normally be spent on measures in an ‘impact’ area which could be up to 5km from the development site depending on site and network characteristics.
- 8.46 Oxfordshire County Council have prepared a PRoW Planning Information Note setting out the issues that developers should consider when undertaking works which might affect PRoW. Further information can be found in the County Council’s Developer [Guide to Developer Contributions](#).

Public Rights of Way - summary of developer contribution to be sought:

All development which will impact on an existing right of way will be required to mitigate the impacts to protect existing countryside access.

Where necessary, directly, fairly and reasonably related in scale and kind to the development, appropriate works and/or a financial contribution will be sought towards appropriate mitigation measures.

This will be secured by way of a Section 106 legal agreement.

Relevant Policy Context:

**NPPF Section 8 - Promoting Healthy and Safe Communities
West Oxfordshire Local Plan 2031: Policy OS5 - Supporting Infrastructure, EH4 – Public Realm and Green Infrastructure**

9. Climate and Environment

- 9.1 The NPPF identifies three overarching objectives of sustainable development, including the following environmental objective:

‘To protect and enhance our natural, built and historic environment; including making effective use of land, improving biodiversity, using natural resources prudently, minimising waste and pollution, and mitigating and adapting to climate change, including moving to a low carbon economy’.

- 9.2 A core objective of the West Oxfordshire Local Plan 2031 is to conserve and enhance the character and significance of West Oxfordshire’s high quality natural, historic and cultural environment – including its geodiversity, landscape, biodiversity, heritage and arts.

9.3 In this section, we provide an overview of the Council’s approach to developer contributions in the following areas:

- Biodiversity net gain
- Air quality
- Flood risk, water management and sustainable drainage
- Archaeology

Biodiversity Net Gain (BNG)

9.4 The NPPF specifies the need to protect biodiversity, including designated sites and priority habitats and species, and emphasises the need to conserve, restore and recreate ecological networks to ensure that biodiversity is more resilient to current and future pressures, including climate change.

9.5 Local Plan Policy EH3 - Biodiversity and Geodiversity sets out the need for biodiversity to be protected and enhanced with a requirement for all major and minor applications to demonstrate a net gain in biodiversity where possible.

9.6 The more recent Environment Act 2021 lays the foundation for a Nature Recovery Network and introduces a mandatory requirement for biodiversity net gain in the planning system, to ensure that new developments enhance biodiversity.

9.7 There is currently a transitional period with the mandate for BNG expected to become operational in 2023. Once this occurs, applications will need to comply with the National BNG requirements. In the interim, schemes which wish to deliver BNG in advance of the mandatory requirements are positively encouraged.

9.8 The Thames Valley Environmental Records Centre (TVERC) provides the central point of contact for information on biodiversity and geodiversity within Oxfordshire. Therefore developers are advised to access the information held by TVERC in order to assess the impact of their development on the natural environment. TVERC also provide a biodiversity metric assessment service to assist developers with their calculations of biodiversity net gain.

9.9 Where mitigation for the biodiversity impacts of a development and the delivery of biodiversity net gain can be achieved on site, the District Council will ordinarily secure these through planning conditions. However, arrangements for the long term management and maintenance of this mitigation and net gain may be secured through a S106 agreement where appropriate.

9.10 Where it can be demonstrated that it is not possible to achieve on-site mitigation or compensation, financial contributions may be sought towards a scheme that adequately offsets the impact of the development and provides a net gain in line with Government guidance.

- 9.11 In most circumstances, the financial contribution for off-site biodiversity net gain (offset) will be secured by planning condition based on the number of units required and the submission of an offset delivery provider certificate to confirm that the contribution required has been paid to them. In some instances, there may be a need to secure this via a Section 106 agreement for example, where the development will occur over multiple phases.

Biodiversity - summary of developer contribution to be sought:

In accordance with Policy EH3 of the West Oxfordshire Local Plan, all new development must protect and enhance biodiversity, demonstrating a net gain in biodiversity where possible.

All development will therefore be expected to incorporate on-site mitigation and enhancement measures as appropriate. These will normally be secured by way of a planning condition and in the case of arrangements for long-term management and maintenance, potentially through a Section 106 legal agreement.

Where it is not possible to achieve adequate on-site mitigation or compensation, a financial contribution will be sought for off-site measures to adequately offset the impact of the development.

In most circumstances, the required financial contribution for off-site biodiversity net gain based on the number of biodiversity units and an agreed per unit cost will be secured by planning condition unless there is a specific need to secure this via a S106 Agreement, for example, where the development will occur over multiple phases.

Relevant Policy Context:

**NPPF Section 15 - Conserving and Enhancing the Natural Environment
West Oxfordshire Local Plan 2031: Policy OS5 - Supporting Infrastructure, EH3 - Biodiversity and Geodiversity**

Air Quality

- 9.12 Air pollution is associated with a number of adverse health impacts and particularly affects the most vulnerable in society: children and older people, and those with heart and lung conditions.
- 9.13 Areas within West Oxfordshire which don't meet National Air Quality Standards have been declared Air Quality Management Areas (AQMAs). The main air quality issues are related to vehicular density within relatively congested urban areas, thus nitrogen dioxide is the main pollutant of concern.
- 9.14 Areas not meeting the objective for Nitrogen Dioxide include Bridge Street, Witney and Horsefair/ High Street, Chipping Norton. Air Quality Action plans for these areas have been produced to find out the source of the problem and reduce concentrations of air pollutants to below National Air Quality Standards.

- 9.15 All new major residential and non-residential development which will result in increased traffic movements within the AQMAs identified above will be required to pay a financial contribution to help introduce measures to offset the increase in pollutant measures.
- 9.16 The level of contribution will be negotiated on a case by case basis depending on the level of additional traffic movements which is likely to result from the development.

Air Quality - summary of developer contribution to be sought:

For residential developments of more than 10 homes and larger non-residential developments of more than 1,000 sq.m, where necessary, directly, fairly and reasonably related in scale and kind to the development, an appropriate financial contribution will be sought towards measures to offset increases in local pollutant emissions.

This is anticipated to apply to developments which would demonstrably increase vehicular movements within an Air Quality Management Area (AQMA) and will be secured by way of a Section 106 legal agreement.

Relevant Policy Context:

**NPPF Section 15 - Conserving and Enhancing the Natural Environment
West Oxfordshire Local Plan 2031: Policy EH8 - Environmental Protection, OS5 - Supporting Infrastructure**

Flood risk, water management and sustainable drainage

- 9.17 There are several rivers flowing through the District which are important corridors for biodiversity and recreation however they present a flood risk and communities including Witney have suffered from flooding, in particular in 2007.
- 9.18 Oxfordshire County Council (OCC) is the Lead Local Flood Authority (LLFA) and has a duty to develop and maintain a strategy for the management of local flood risk in Oxfordshire. OCC works closely with the District Council and other key stakeholders, including the Environment Agency and Thames Water.
- 9.19 In accordance with Local Plan Policy EH7, flood risk will be managed using the sequential risk based approach (and if necessary, the Exception Test) set out in the NPPF to reduce the risk of flooding to people and property.
- 9.20 All proposals for development will be required to ensure that all potential sources of flooding (including sewerage and surface water) are addressed with measures to manage or reduce their impacts on and off the site. Landowners and developers will need to ensure that appropriate flood resilient and resistant measures are incorporated, including sustainable drainage systems to manage run-off and support improvements in water quality. In some cases it may be appropriate to safeguard land required for flood management and this should be managed as part of the green infrastructure.

- 9.21 It is expected that landowners/ developers will meet the costs of the above measures including direct off-site flood risks and any indirect residual flood risks arising from their development.
- 9.22 Planning obligations will normally be sought where the development requires off-site management of surface water and off-site works to manage any potential increase in the risk of flooding from fluvial sources arising from the development proposed. This will normally require the works to be undertaken and agreed by the appropriate Risk Management Authority, and appropriate contracts to be in place to secure the delivery of off-site work before the development can commence.
- 9.23 On-site infrastructure which is required to alleviate the risk of flooding, and reduce impacts on drainage infrastructure will normally form part of the detailed matters submitted and agreed through the planning application process and delivery can therefore be secured through a planning condition. However, the on-going maintenance of on-site infrastructure may need to be secured through a Section 106 Agreement.
- 9.24 If the drainage and flood risk management works are being undertaken by the developer, this work must be completed to a timetable or phasing plan agreed with the Local Planning Authority. Any phasing requirements for planning obligations related to drainage and flood risk management infrastructure will be set out in a Section 106 agreement.
- 9.25 In terms of the maintenance of on and off-site flood risk management and drainage infrastructure, this will need to be maintained to ensure it continues to be effective. In some cases, this may be adopted by the appropriate authority but where this is not possible, the developer will need to ensure mechanisms are in place to secure on-going and effective maintenance in perpetuity. Typically this will be secured through a Section 106 Agreement.
- 9.26 Given the significance of flood risk as a critical issue for our local communities, the District Council will consider using a proportion of any future CIL receipts to help fund appropriate improvements and mitigation measures. Further information on flood and water management and Sustainable Drainage Systems is set out in the County Council's [Guide to Developer Contributions](#)

Flood risk, water management and sustainable drainage - summary of developer contribution to be sought:

Where necessary, directly, fairly and reasonably related in scale and kind to the development, on-site flood risk management and associated drainage infrastructure, including the provision of land where appropriate, will be secured through a Section 106 legal agreement or through an appropriate planning condition.

Off-site flood risk management and drainage infrastructure necessary to support a development will be sought as appropriate and secured through a Section 106 legal agreement.

The effective maintenance of on and off-site flood risk management and drainage infrastructure will be secured through a Section 106 legal agreement.

Relevant Policy Context:

**NPPF Section 14 - Meeting the challenge of climate change, flooding and coastal change
West Oxfordshire Local Plan 2031: Policy EH7 - Flood Risk, OS5 - Supporting Infrastructure**

Archaeology

- 9.27 The NPPF requires an ‘applicant to describe the significance of any heritage assets affected (by their development) including any contribution made by their setting’. This should normally be set out in a Heritage Statement submitted with the planning application. As a minimum the Historic Environment Record (HER) will need to be consulted which is maintained by the County Council.
- 9.28 Local Plan Policy EH15 requires development to conserve and enhance the significance of scheduled monuments and archaeological remains, including their setting. Any unavoidable harm should be minimised and mitigated in accordance with this Policy and in liaison with the Archaeology Team at Oxfordshire County Council.
- 9.29 As well as known archaeological sites and historic features, new sites continue to be discovered, often as a result of development activities. It is therefore important that measures are taken when planning permission is considered to investigate, record, analyse and protect these non-renewable assets, usually via a planning condition.
- 9.30 Developers should contact the Archaeology Team at Oxfordshire County Council at the pre-application stage so that they can be aware of any requirements that may be made prior to or when an outline or full application is made.
- 9.31 If there are areas of archaeological significance then the developer will be required to mitigate and plan how to protect assets in consultation with the Archaeology Team. Measures required may include site management, public access, interpretation schemes and open space provision designed into the development to protect remains.

Archaeology - summary of developer contribution to be sought:

Developers will be required to mitigate and protect archaeological assets which will be affected by development, both within the site boundary and off-site.

This will be secured via planning condition.

Relevant Policy Context:

NPPF Section 16 - Conserving and enhancing the historic environment

10. Community and Culture

Public Realm and Public Art

- 10.1 The NPPF states that the ‘creation of high quality beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities’.
- 10.2 The public realm can play an important role in enhancing the character of an area and improving the overall quality of space. The public realm relates to all those parts of the built environment, including privately owned spaces. The quality of the public realm is an important consideration in the design and layout of a development. High quality design and good management of the public realm is essential in creating successful and vibrant places and can help to establish an identity for an area.
- 10.3 Public art is an expression of cultural wellbeing and engages people with the economic, social and environmental development of places. It can be permanent or temporary and may include: the installation of artworks in the public realm; the involvement of artists in the planning and design of buildings and spaces; facilities for the arts and artists working creatively with communities in order to explore and articulate issues of local significance. Public art projects which engage existing and new communities and enable them to celebrate and/ or investigate local identity and/ or local issues will support social development, cohesion and wellbeing.
- 10.4 Local Plan Policy OS4 - High Quality Design makes clear that high design quality is central to the overall strategy for future growth in West Oxfordshire. Policies OS5 (Supporting infrastructure) and EH4 (Public Realm and Green Infrastructure) provide the policy basis for seeking contributions towards the public realm, including public art.
- 10.5 The [West Oxfordshire Design Guide](#) (adopted April 2016) is a Supplementary Planning Document and explains how the Council will require developers to support the provision of public art projects.
- 10.6 In general terms, this will comprise either:
- the funding, management, development, implementation and maintenance of public art projects, which form part of developments located within Strategic Development Areas and major development sites; or
 - a financial contribution towards the provision of or enhancement to public art projects/ public realm improvements located outside Strategic Development Areas and major development sites which should usually be within the vicinity of a site.

- 10.7 West Oxfordshire District Council has historically sought the provision of public art as part of major new developments, particularly in town centres, leisure centres and residential areas and will continue to do so.
- 10.8 The Council through its Public Art team will support developers in delivering public art and other public realm improvements in particular for larger residential development proposals of more than 10 homes. The contribution sought will reflect the character and scope of the works required and will be negotiated on a case-by case basis. In some instances, contributions may be sought towards temporary installations and events co-ordinated by relevant specialists with such events having been successfully held on a number of occasions previously (e.g. Shilton Park, Carterton).
- 10.9 The implementation, management and maintenance of public realm improvements and public art will be secured through a Section 106 legal agreement and/or planning condition as appropriate.

Public Realm and Public Art - summary of developer contribution to be sought:

For larger residential developments of 10 or more homes, where necessary, directly, fairly and reasonably related in scale and kind to the development, the provision and maintenance of public realm improvements and public art will be sought as appropriate either directly or in the form of an appropriate financial contribution (or a combination of both).

This will be secured by way of a Section 106 legal agreement or planning condition.

Relevant Policy Context:

**NPPF Section 12 – Achieving Well Designed Places
West Oxfordshire Local Plan 2031: EH4 Public Realm and Green Infrastructure, OS5 - Supporting Infrastructure**

Community facilities and community development

- 10.10 The NPPF²⁷ states that planning policies and decisions should plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments. Local Plan Policy OS5 - Supporting infrastructure provides the policy basis for seeking contributions towards the provision of community meeting space.

²⁷ NPPF paragraph 93

- 10.11 Community centres and community halls provide a wide range of opportunities for a variety of social, welfare and leisure activities that assist in the creation of sustainable communities. These include space for meetings, exhibitions and social events. There are a number of delivery partners involved in the delivery of new community facilities in the District including WODC, OCC, developers, Parish Councils, local churches and the voluntary sector.
- 10.12 It should be noted that whilst this revised draft SPD addresses the need for community facilities within the context of community development, it does not specifically address places of worship.
- 10.13 On larger strategic sites such as the five strategic site allocations in the Local Plan (which vary in size from c. 450 homes – 2,200 homes) the Council will generally expect new community facilities to be provided on-site as an integral part of the development to promote social cohesion and activity.
- 10.14 Such facilities should be accessibly located (normally no more than 800 metre walking distance) with the scale of facility provided to be commensurate to the scale of the development. Meeting spaces should be flexible with storage facilities suitable for different user groups and able to be put to multiple uses and the developer should agree the specification of any new facility with the Council.
- 10.15 The provision of such facilities should be phased at an early stage in agreement with the Council. A commuted sum for the future maintenance of the facility may also be sought and arrangements for the long-term stewardship of the facilities will need to be agreed.
- 10.16 On larger developments, the Council will also consider seeking a financial contribution towards the appointment of a community development officer to assist with community integration and health and well-being during the early stages as people move into new developments.
- 10.17 In some instances, it may also be appropriate to provide some sort of community space as part of smaller developments of more than 100 homes (e.g. to support the cumulative impact of growth or to support a particular need such as the provision of specialist housing for a particular group or groups. This will be considered on a case-by-case basis.
- 10.18 Where the on-site provision of new community facilities is identified as being necessary, the Council will seek to secure this by way of a Section 106 legal agreement.
- 10.19 Where new development gives rise to a need for additional community space but not a new freestanding facility, financial contributions will be sought for off-site provision such as the improvement/upgrade of existing facilities where appropriate.

- 10.20 The contributions sought will be calculated on a case-by-case basis with benchmarking exercises suggesting that a figure of 200 sq m per 1,000 population (applied on a pro-rata basis) may be an appropriate starting point²⁸. However, this will depend on a number of factors including the scale of proposed development, the level of local need/existing provision identified and accessibility to existing provision. As outlined above, a financial contribution towards the appointment of a community development role may be sought for larger residential schemes.

Community Facilities and Community Development - summary of developer contribution to be sought:

New community facilities will be sought on-site as an integral part of all strategic site allocations within the West Oxfordshire Local Plan 2031.

The Council will also consider on a case-by-case basis whether there is a demonstrable need for the on-site provision of community facilities in smaller developments of more than 100 homes, particularly to take account of any cumulative impact of growth in the area or to address a specific need (e.g. specialist housing provision).

In some instances, a financial contribution towards the appointment of a Community Development Officer may be sought.

In all instances, on-site provision will be secured by way of a Section 106 legal agreement including arrangements for long-term maintenance.

Where new development gives rise to a need for additional community space but not a new freestanding facility, a financial contribution will be sought from smaller schemes of more than 10 homes towards off-site provision such as the improvement/upgrade of existing facilities where appropriate.

This will be secured by way of a Section 106 legal agreement.

Relevant Policy Context:

**NPPF Section 8 – Promoting Healthy and Safe Communities
West Oxfordshire Local Plan 2031: Policy E5 – Local Services and Community Facilities,
OS5 - Supporting Infrastructure**

Community services (libraries, museums, adult and children support services)

- 10.21 Community services including libraries, adult and children support services and museums are essential in supporting community cohesion and learning opportunities for adults and children.
- 10.22 The NPPF requires local authorities to plan positively for the provision and use of shared spaces, community facilities and other local services to enhance the sustainability of communities and residential environments.

²⁸ Para 5.1.21 Eynsham Area Infrastructure Delivery Plan Updated Draft Report July 2020

- 10.23 The West Oxfordshire Local Plan sets out the importance of local facilities in meeting the day to day needs of residents by providing social meeting places, sports venues and other essential local services. Policy E5 supports the retention of local services and community facilities to meet local needs and to promote social wellbeing, interests, interaction and healthy inclusive communities.
- 10.24 Oxfordshire County Council is responsible for social and community services, including libraries, museums, adult social care, family safeguarding and youth provision. The County Council's Corporate Plan 2019 to 2022 confirms its commitment to providing library, cultural, museum and music services with funding and investment to be sought from development through Section 106 legal agreements.
- 10.25 There are 11 libraries in West Oxfordshire which are the responsibility of Oxfordshire County Council (OCC). Carterton, Chipping Norton, Eynsham and Witney libraries have been designated as core libraries.
- 10.26 The level of growth proposed for Witney, Carterton, Chipping Norton, Eynsham and Woodstock will place additional pressures on those particular libraries. More general growth will place pressure upon all libraries and particularly the Central County Library in Oxford.
- 10.27 As such, the five strategic site allocations identified in the West Oxfordshire Local Plan 2031 will be expected to make appropriate provision for libraries by way of a Section 106 legal agreement. In the future, other options to provide facilities such as this may be explored. As an example, libraries may become an integrated part of a Community Hub that includes other elements of infrastructure.
- 10.28 In respect of potential contributions towards museum provision, the (former) Museums, Libraries and Archives (MLA) previously recommended a benchmark minimum standard floor space for museums of 28 sq m per 1,000 population for local authorities. However, developers should contact the County Council regarding the likely level of contribution that may be required.
- 10.29 It is anticipated that other smaller developments will contribute towards the provision and enhancement of community services including libraries, adult and children support services and museums by way of the Community Infrastructure Levy (CIL) once introduced in West Oxfordshire.
- 10.30 For further information on developer requirements in relation community services, please refer to Oxfordshire County Council's [Guide to Developer Contributions](#).

Community Services - summary of developer contribution to be sought:

All strategic site allocations within the West Oxfordshire Local Plan 2031 will be expected to make appropriate contributions towards the provision and enhancement of community services including libraries, adult and children support services and museums.

This will be secured by way of a Section 106 legal agreement.

Relevant Policy Context:

**NPPF Section 8 – Promoting Healthy and Safe Communities
West Oxfordshire Local Plan 2031: Policy E5 – Local Services and Community Facilities,
OS5 - Supporting Infrastructure**

Burial Space

- 10.31 Local Plan Policy OS5 - Supporting Infrastructure requires development to contribute to the timely provision of essential supporting infrastructure including burial grounds. Burial space comprises churchyards, cemeteries managed by Town or Parish Councils and natural burial grounds.
- 10.32 A significant proportion of burial capacity across West Oxfordshire is accommodated in Churchyards, however there is strict criteria to be fulfilled by the deceased to qualify for burials in a Churchyard and so adequate provision of burial space for those who do not qualify is a factor for consideration when assessing the impacts of additional growth.
- 10.33 Whilst a comprehensive study into the need for burial space in the District has not been undertaken, due to the emergency planning efforts for the Covid-19 pandemic, a recent survey was undertaken with all West Oxfordshire Town and Parish Councils for two weeks in early May 2020. The analysis has been undertaken to reflect the five WODC Local Plan 'Sub-Areas' and the settlement hierarchy.
- 10.34 The need for additional burial space has historically been raised as an issue by some communities within the District, including Eynsham. The Council's survey undertaken in May is a useful assessment in determining where there are particular gaps in provision, particularly for those communities who will be accommodating additional growth.
- 10.35 Due to the significant increases in population that will arise from the five strategic site allocations in the West Oxfordshire Local Plan, these developments will be expected to make a direct contribution towards burial space capacity either through the direct provision of land, where appropriate and suitable, or through a financial contribution.
- 10.36 In addition larger residential developments of more than 50 homes will be required to make a financial contribution if a local need is identified. This will be secured through a planning condition and/or Section 106 legal agreement as appropriate.

Burial Space - summary of developer contribution to be sought:

The five strategic site allocations set out in the West Oxfordshire Local Plan 2031 and larger residential developments of more than 50 homes will be expected to make a contribution towards burial space capacity either through the direct provision of land, where appropriate and suitable, or through a financial contribution.

This will be secured through a planning condition and/or Section 106 legal agreement as appropriate.

Relevant Policy Context:

**NPPF Section 8 – Promoting Healthy and Safe Communities
West Oxfordshire Local Plan 2031: Policy OS5 - Supporting Infrastructure**

11. Health and social care

- 11.1 A key aspect of the NPPF is the promotion of healthy and safe communities with planning policies expected to take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community.
- 11.2 Reflecting this, Local Plan Policy OS5 - Supporting Infrastructure requires development to contribute to the timely provision of essential supporting infrastructure including health care provision.
- 11.3 The overall concept of ‘healthy place shaping’ was adopted as a strategic priority for Oxfordshire’s Health and Wellbeing Board in September 2018 and has since been taken forward through the Oxfordshire Strategic Vision. A key aspect of healthy place shaping is helping to develop local health and care services to deliver good local services.

Primary Care

- 11.4 Primary care services provide the first point of contact in the healthcare system and include general practice as commissioned by Oxfordshire Clinical Commissioning Group (OCCG). Other aspects of primary care (community pharmacy, dental and optometry services are commissioned by NHS England. Currently 10 GP practices are located in the West Oxfordshire District Council area. In addition, 2 community hospitals are located in the District in Witney and Chipping Norton.
- 11.5 The OCCG has agreed a new [Primary Care Estates Strategy 2020-2025](#) which sets out a vision for the provision of health services in Oxfordshire where patients will receive more care closer to home and be supported out of hospital as much as possible.
- 11.6 Because of the relatively large population increases associated with the five strategic development areas allocated in the West Oxfordshire Local Plan, an appropriate financial contribution will be sought through a Section 106 legal agreement where there is insufficient existing capacity in primary care provision to serve the development.

11.7 In some cases provision may be sought by way of land and/or buildings where this is associated with one of the strategic allocations to enable the provision of accessible facilities or the upgrading/ extension of existing facilities in the locality. Again this will be secured by way of a Section 106 legal agreement.

11.8 It is anticipated that other smaller developments will contribute towards primary health care through the Community Infrastructure Levy (CIL) once introduced in West Oxfordshire.

Secondary care

11.9 Secondary care services are provided by health professionals through referral. Secondary care services are usually based in a hospital or clinic, though some services may be community based. They may include planned operations, specialist clinics, or rehabilitation services (e.g. physiotherapy).

11.10 The NHS aim to increase the commissioning of care types, which have traditionally been provided in acute hospitals, in GP surgeries and other community settings, to improve access for patients.

11.11 Financial contributions, and in some cases land, may be sought from the five strategic sites allocated in the West Oxfordshire Local Plan 2031 towards the provision of secondary health care where appropriate and proportionate. Any such provision would be secured by way of a Section 106 legal agreement.

11.12 It is anticipated that other smaller developments will contribute through the Community Infrastructure Levy (CIL) once introduced in West Oxfordshire.

Extra care

11.13 Extra care housing provides a form of accommodation where adults have access to care and support and this therefore supports primary and secondary care services. This often consists of a complex or cluster of individual homes with immediate access to a range of on-site care options, which can respond flexibly to increasing individual needs.

11.14 In addition, Oxfordshire County Council is responsible for adult social care (Community Support Service Centres) and family safeguarding (Children's Homes / Children & Family Centres).

11.15 Contributions towards extra care housing, care/nursing homes, adult and social care and family safeguarding will be sought from the five strategic allocations and will be negotiated on a case-by-case basis depending on the need generated and the level of provision already in place within the locality.

Primary and secondary health care and extra-care - summary of developer contribution to be sought:

The five strategic development areas allocated in the West Oxfordshire Local Plan 2031 will be expected to make a financial contribution towards primary health care. In some cases and where appropriate, provision may be sought by way of land or buildings.

Financial contributions and /or direct provision of land or buildings towards primary health care will be secured through a Section 106 legal agreement.

Where there is an identified need, a financial contribution towards secondary health care provision may also be sought from the five strategic development areas and this will be secured through a Section 106 legal agreement.

Contributions towards extra care housing, care/nursing homes, adult and social care and family safeguarding may be sought from the five strategic allocations and this will be negotiated on a case-by-case basis depending on the need generated and the level of provision already in place within the locality.

Relevant Policy Context:

**NPPF Section 8 – Promoting Healthy and Safe Communities
West Oxfordshire Local Plan 2031: Policy OS5 - Supporting Infrastructure**

12. Emergency Services

Fire and rescue

- 12.1 New development has the potential to increase fire risk and place additional demands on the fire and rescue service. It is therefore necessary to ensure that appropriate infrastructure is delivered alongside new development.
- 12.2 Oxfordshire County as the Fire and Rescue Authority has a statutory duty to respond to emergencies and to ensure that all development is provided with adequate water supplies for firefighting under the Fire and Rescue Services Act 2004.
- 12.3 A planning obligation towards new fire service infrastructure facilities may be requested where a specific need arising from a development is identified. This is anticipated to apply to the five strategic development areas identified in the West Oxfordshire Local Plan 2031. Any contribution will be calculated to be proportionate to the development and will be secured by way of a Section 106 legal agreement.
- 12.4 Contributions may be by way of land provision and/or financial contributions towards new infrastructure including emergency vehicles. The assessment of need for new infrastructure will vary depending on the location of facilities and local response times to deal with emergencies.

- 12.5 New development may require the provision of fire hydrants and associated infrastructure. Where these are required the developer(s) will need to agree a scheme with the Water Authority and County Fire Service and be responsible for funding this. Planning conditions will be used as appropriate.
- 12.6 For further information on developer requirements in relation to Fire and Rescue, please refer to the Oxfordshire County Council's [Guide to Developer Contributions](#).
- 12.7 It is anticipated that other smaller developments will contribute through the Community Infrastructure Levy (CIL) once introduced in West Oxfordshire.

Fire and Rescue - summary of developer contribution to be sought:

The five strategic development areas allocated in the West Oxfordshire Local Plan 2031 will be expected to make an appropriate contribution towards fire and rescue infrastructure.

In some cases and where appropriate, provision may be sought by way of land or buildings.

Provision towards fire and rescue will be secured by way of a Section 106 legal agreement.

Planning conditions will also be used as appropriate.

Relevant Policy Context:

**NPPF Section 8 – Promoting Healthy and Safe Communities
West Oxfordshire Local Plan 2031: Policy OS5 - Supporting Infrastructure**

Policing/community safety

- 12.8 The NPPF requires planning policies and decisions to ensure that crime and disorder (and the fear of crime) does not undermine quality of life or community cohesion. Policies for the layout and design of developments should be informed by the most up-to-date information available from the police and other agencies about the nature of potential threats and their implications. This includes appropriate and proportionate steps, which can be taken to reduce vulnerability, increase resilience and ensure public safety and security (NPPF, paras 92 and 97).
- 12.9 West Oxfordshire Community Safety Partnership (WOCSP) with the key partners WODC, Thames Valley Police (TVP), Thames Valley CRC Trust (probation), Oxfordshire County Council (adult social services, fire and rescue, public health and children social care), and the Oxfordshire Clinical Commissioning Group (OCCG) brings together local organisations with a shared goal of creating safer communities in which to live, work and visit. They look to tackle this by using skills, knowledge and techniques to prevent and reduce crime, disorder and fear of crime, and to develop safer communities.

- 12.10 Thames Valley Police (TVP) is responsible for policing the Thames Valley area, which includes West Oxfordshire. TVP set out a list of potential infrastructure requirements relating to proposed growth in West Oxfordshire in 2018. The list included staff equipment, vehicles, Automatic Number Plate Recognition (ANPR) cameras, and premises. TVP also indicated that some of its requirements could be met through the provision of an on-site facility; e.g. space within a community building, or a shared facility with other blue light partners.
- 12.11 A planning obligation towards police service infrastructure may be requested where a specific need arising from a strategic site allocated in the West Oxfordshire Local Plan is identified. The assessment of need for new infrastructure will vary depending on the location of facilities and local response times to deal with emergencies.
- 12.12 Contributions may be by way of land provision and/or financial contributions towards new infrastructure including those listed above and will be secured by way of a Section 106 legal agreement.
- 12.13 It is anticipated that other smaller developments will contribute through the Community Infrastructure Levy (CIL) once introduced in West Oxfordshire.

Police and Community Safety - summary of developer contribution to be sought:

The five strategic development areas allocated in the West Oxfordshire Local Plan 2031 will be expected to make an appropriate contribution towards police and community safety infrastructure.

In some cases and where appropriate, provision may be sought by way of land or buildings.

Provision towards police and community safety infrastructure will be secured by way of a Section 106 legal agreement.

Planning conditions will also be used as appropriate.

Relevant Policy Context:

**NPPF Section 8 – Promoting Healthy and Safe Communities
West Oxfordshire Local Plan 2031: Policy OS5 - Supporting Infrastructure**

Ambulance Service

- 12.14 West Oxfordshire is covered by the South Central Ambulance Service (SCAS) NHS Foundation Trust. SCAS is a foundation trust of the National Health Service (NHS). It is responsible for providing twenty-four-hour 999 emergency service across the four counties of the South Central Region, including Oxfordshire.
- 12.15 SCAS has ambulance standby points in Witney and Chipping Norton. Standby points are strategically placed locations that enable a rapid response to patients. SCAS have indicated that a potential requirement for additional ambulance standby points across the District may

be necessary which could be met through the provision of an on-site facility, shared with other blue light partners such as the police service.

- 12.16 A planning obligation towards ambulance service provision may therefore be requested where a specific need arising from a strategic site allocated in the West Oxfordshire Local Plan is identified. Contributions may be by way of land provision and/or financial contributions towards new infrastructure and will be secured by way of a Section 106 legal agreement.
- 12.17 It is anticipated that other smaller developments will contribute through the Community Infrastructure Levy (CIL) once introduced in West Oxfordshire.

Ambulance Service - summary of developer contribution to be sought:

The five strategic development areas allocated in the West Oxfordshire Local Plan 2031 will be expected to make an appropriate contribution towards ambulance services and infrastructure.

In some cases and where appropriate, provision may be sought by way of land or buildings.

Provision towards ambulance service infrastructure will be secured by way of a Section 106 legal agreement.

Planning conditions will also be used as appropriate.

Relevant Policy Context:

**NPPF Section 8 – Promoting Healthy and Safe Communities
West Oxfordshire Local Plan 2031: Policy OS5 - Supporting Infrastructure**

13. Employment, skills and training

- 13.1 Paragraphs 81- 83 of the NPPF set out the importance of supporting economic growth and productivity. This is reflected in the West Oxfordshire Local Plan 2031 which recognises that there is a shortage of workers with technical skills across the area with employers seeking improved ‘work readiness’ from school leavers.
- 13.2 This is supported further by the Oxfordshire Local Economic Partnership (OxLEP) Strategic Economic Plan 2016 which is committed to increasing apprenticeships and increasing skills in Science, Technology, Engineering and Maths. In addition The Oxfordshire Skills Strategy developed by the Skills Board sets out the strategic priorities necessary to support economic growth.
- 13.3 The District Council is committed to working with Oxfordshire County Council and the Oxfordshire Local Enterprise Partnership (LEP) to help provide opportunities for local people in terms of skills, training and employment and to develop the economy of Oxfordshire. As set out in the Local Plan²⁹, the District Council will seek to encourage the use of community

²⁹ Paragraph 6.12

employment plans (CEPs) in larger developments (typically 1,000 or more homes and/or 4,000 sqm of floorspace).

Community Employment Plans (CEPs) - summary of developer contribution to be sought:

Community Employment Plans (CEP) will be encouraged in respect of residential developments consisting of 1,000 or more dwellings and commercial developments of 4,000 sqm or more.

Where such plans are put in place, they will be secured through either a Section 106 legal agreement or planning condition as appropriate.

Relevant Policy Context:

**NPPF Section 6 – Building a strong, competitive economy
West Oxfordshire Local Plan 2031: Policy OS5 - Supporting Infrastructure**

14. Waste and recycling/waste management

14.1 Paragraph 8 of the NPPF highlights environmental objectives which includes the need to minimise waste and pollution.

14.2 The Waste (England and Wales) Regulations 2011 requires local authorities to manage waste. The District Council is responsible for the collection of waste and recycling from domestic properties as the waste collection authority (WCA). The Council also provides all street cleansing services, including the provision of litter and fido bins.

14.3 Oxfordshire County Council is the Waste Disposal Authority (WDA) and is responsible for disposing of the waste that is collected by the District Councils, as well as having a duty to provide facilities for residents to deposit their household waste.

On-site waste provision

14.4 The District Council has prepared a guidance document entitled '[Requirements for refuse and recycling provision at new developments](#)'. This document aims to help developers by giving them the information they need to be able to provide refuse and recycling areas for new and existing dwellings.

14.5 The Council will seek a planning condition and/ or financial contribution for the provision of recycling/refuse containers on all residential developments where additional units are created in line with this guidance document.

Off-site waste provision

- 14.6 Where appropriate, the County Council will require developers to mitigate the impact of a development on Household Waste Recycling Centre (HWRC) sites by paying a financial contribution towards the cost of providing a new or enhanced HWRC site that will serve the development. This will be secured by way of a Section 106 legal agreement.
- 14.7 The calculation for any S106 contribution will be based on:
- The cost of increasing the required total HWRC network acreage;
 - The cost of increasing the building and hard infrastructure footprint costs;
 - The total number of new dwellings proposed across Oxfordshire that are contributing to the increase in waste.
- 14.8 Such a requirement is most likely to apply to larger residential development proposals of more than 10 dwellings but developers should liaise with OCC at an early stage (preferably at the pre-application stage) to understand any likely requirements. Please refer to Oxfordshire County Council's [Guide to Developer Contributions](#) for further information.

Waste and recycling/waste management - summary of developer contribution to be sought:

The provision of on-site recycling/ refuse containers and any associated facilities to serve all residential developments will be secured via a planning condition and/or Section 106 Agreement.

For larger residential schemes of more than 10 dwellings, the Council will, where necessary, directly, fairly and reasonably related in scale and kind to the development, seek to secure contributions towards off-site waste recycling and management infrastructure including household waste recycling centre (HWRC) sites.

This will be secured through a Section 106 legal agreement.

Relevant Policy Context:

**NPPF Section 8 – Promoting Healthy and Safe Communities
West Oxfordshire Local Plan 2031: Policy EH8 – Environmental Protection and Policy OS5 - Supporting Infrastructure**

15. Utilities

- 15.1 The NPPF requires local planning authorities to work in liaison with other authorities and providers to assess the quality and capacity of a range of infrastructure including utilities and telecommunication infrastructure.

- 15.2 Funding for utilities at a strategic level is usually provided by the respective utilities company through their Asset Management Plans (AMPs). Each AMP identifies the capital investment which the undertaker has committed to make over the next five or ten years. Utility providers can use revenue from customer charges to fund the provision of strategic infrastructure. However utility providers may refuse to cover all the costs associated with some strategic infrastructure, if they are deemed to be excessive. In these cases developer contributions may be necessary.
- 15.3 Connection of developments to the non-strategic mains is not included in AMPs. Individual development proposals should provide the funding required to secure new utility services from a point of connection to the relevant site boundary, together with the delivery of on-site supplies. This will normally be secured through either planning conditions or a planning obligation where necessary.
- 15.4 Developers should work in partnership with utility providers to ensure adequate capacity of utilities such as gas, electricity, water supply and waste water treatment to serve a development. There may be some site specific requirements for larger sites depending on their scale, location and nature. Therefore the developer should liaise with utility providers at the pre-application stage to identify any capacity issues and how these can be met.
- 15.5 In respect of telecommunications, paragraph 114 of the NPPF requires Council's to prioritise full fibre connections to existing and new developments. The vital need for high quality telecommunication infrastructure has become particularly apparent in 2020 due to the Covid-19 pandemic which has changed the way we work and communicate.
- 15.6 It is important for developers to liaise with the Council at an early stage to secure the provision of the necessary ducting and chambers throughout their developments to facilitate the provision of full fibre to each property. This will normally be secured through a planning condition.

Utilities - summary of developer contribution to be sought:

For larger residential proposals of more than 10 homes, where necessary, directly, fairly and reasonably related in scale and kind to the development, the provision of infrastructure for utilities which is not funded by utility providers will be secured through planning conditions or a Section 106 legal agreement as appropriate.

Infrastructure required to facilitate full fibre connections to new development, including the necessary ducting and chambers, will normally be secured through a planning condition.

Relevant Policy Context:

**NPPF Section 10 – Supporting high quality communications
West Oxfordshire Local Plan 2031: Policy OS5 - Supporting Infrastructure**

Part 3 - Specific Procedural matters

16. Viability

- 16.1 Developer contributions are an additional 'cost' to a developer alongside other costs such as land purchase, construction, interest, professional fees etc. It is important that such costs do not render development unviable as that could affect the rate of housing delivery and other forms of development, thereby having negative consequences.
- 16.2 National policy on viability is clear. The NPPF at paragraph 58 states that: *'Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable'*.
- 16.3 Given that the West Oxfordshire Local Plan was adopted relatively recently (September 2018), in line with the Government's practice guidance, the Council's starting point is that planning applications will be assumed to be viable and it will be for individual applicants to demonstrate that there are particular circumstances to warrant a bespoke viability assessment in support of a particular application.
- 16.4 Where an applicant is able to robustly demonstrate that the requirements of a planning obligation would cause a development to be unviable, the Council will consider whether there is a legitimate and demonstrable need to be flexible in seeking developer contributions. Other bodies (e.g. Oxfordshire County Council) will be drawn into such discussions as appropriate.
- 16.5 In some instances, the Council may need to seek independent professional advice on viability matters, the cost of which will need to be borne by the applicant.

17. Legal and Administration Fees

- 17.1 Applicants will be required to pay the District Council's legal costs incurred in drafting and completing any Section 106 legal agreement. The Council's legal costs will be charged at an hourly rate and will become payable upon completion of the agreement. The Council's Solicitor will require an undertaking from the solicitor acting on behalf of the applicant to pay the Council's legal costs, whether or not the agreement is completed.
- 17.2 For large-scale agreements, periodic payment of legal costs may be required. The amount will inevitably vary depending on the nature and complexity of the agreement.
- 17.3 Unilateral undertakings will be subject to an administration charge to cover legal costs and the transfer of money to third parties where necessary.
- 17.4 Please note that financial contributions payable to Oxfordshire County Council will be subject to a different process and developers should refer to OCC's [Guide to Developer Contributions](#) or contact the Oxfordshire County Council Infrastructure Funding Team for further information.

17.5 Partners or key stakeholders e.g. Police or Health bodies (e.g. OCCG) may be required to sign an indemnity agreement and ensure contributions are spent in accordance with the Section 106 Agreement. Appendix 3 includes an example of a draft indemnity agreement.

18. Timing / phasing of payments

18.1 The District Council will require financial contributions to be paid prior to the implementation of planning permission or as otherwise agreed as part of a programme of staged payments (e.g. affordable housing financial contributions which are deferred until completion of the development). Legal costs and administration charges will need to be paid prior to the completion of the agreement unless otherwise agreed in writing by the Council.

18.2 The Council will calculate the total financial contribution payable including interest and/ or indexation which will be made available to the developer. This calculation will be valid for 14 days from the date of issue unless otherwise agreed in writing.

18.3 On receipt, financial contributions will be transferred to the relevant internal department or third party such as Oxfordshire County Council or a parish council who is responsible for spending the contribution. Payments made to Oxfordshire County Council will be subject to a different process as set out in OCC's [Guide to Developer Contributions](#).

18.4 All receipts and spending of financial contributions will be recorded and monitored by the District Council and as of December 2020, reported annually through the Council's Infrastructure Funding Statement (IFS).

19. Indexation

19.1 It is appropriate for financial contributions secured through a planning obligation to be indexed so they retain their original value. The base date and index (normally index-linked to inflation) will be detailed within the legal agreement. Payments will be subject to an inflation factor (normally RPI or CPI or BCIS all in tender price index) which will be adjusted according to the fluctuations between the date of the obligation and the quarter period in which payment is due to the Council.

19.2 Please be aware that payments made to Oxfordshire County Council may be subject to different measures of inflation.

20. Interest on late payments

20.1 At least 21 days prior to reaching a payment/ trigger date as specified in the agreement, the developer should notify the Council of their intention to pay the financial contribution. After the payment/ trigger date has elapsed, interest may be charged at a rate of 4% above the standard base rate, unless otherwise stated in the planning obligation. The developer may also be liable to additional monitoring and enforcement costs as a result of late payment.

20.2 The District Council will calculate the total financial contribution payable including interest and/ or indexation which will be made available to the developer. This calculation will be valid for 14 days from the date of issue unless otherwise agreed in writing. If this has not been paid within the agreed time period and the calculations are shown to be correct following the

resolution of any dispute, then late payment interest will be charged at rate of 4% above the standard base rate.

21. Monitoring and enforcement

Monitoring

- 21.1 The Council monitors planning obligations and will work in collaboration with developers to help deliver financial contributions and other obligations on-time. In order to undertake this work, monitoring fees will be charged as appropriate. Further information on the fees that will be applied is set out at Appendix 2.

Enforcement

- 21.2 Where there is evidence of non-compliance with a planning obligation, the Council will instruct the Council's Legal Team to take appropriate action to secure compliance. The Council will aim to recover all reasonable administration costs incurred which may include administration, correspondence and site visits. Non-compliance with a planning obligation could include failure to comply with the obligation, failure to notify the Council of a due payment and non-payment.
- 21.3 Where it is clear that matters within a planning obligation are not being complied with, the Council's Legal Team will be instructed to take appropriate action to secure compliance which may include seeking a court injunction where appropriate.

22. Dispute resolution

- 22.1 The Town and Country Planning Act 1990 (as amended) gives the Secretary of State the power to appoint someone to resolve issues that are holding up the completion of a planning obligation.

23. The importance of early engagement and transparency

- 23.1 Developer contributions are an important issue locally because of the potential benefits that can accrue for local communities. In working up development proposals, developers are therefore encouraged to enter into early dialogue with Town and Parish Councils and other relevant stakeholders to understand any local ambitions and priorities that may be able to be facilitated through the development.
- 23.2 The District Council will endeavour to work pro-actively and transparently with Town and Parish Councils and other relevant stakeholders including Oxfordshire County Council in terms of securing and spending contributions.
- 23.3 Details of monies and other contributions received, allocated and spent/delivered will be set out in the District Council's annual Infrastructure Funding Statement (IFS).

Appendices

Appendix 1 - Summary table of developer contributions by type and anticipated mechanism

Infrastructure item	Relevant thresholds/requirements	Developer contributions by anticipated mechanism			
		Section 106 agreement	Section 278 agreement	CIL	Planning Condition
Affordable Housing on-site (where applicable)	On-site provision on sites of 11 or more market units or which have a maximum combined gross floorspace of more than 1,000 sq.m). (50%, 40% and 35% in the high, medium and lower value zones respectively).	✓			
Affordable Housing off-site financial contribution (where applicable)	Within the Cotswolds AONB on sites of 6-10 units and which have a maximum combined gross floorspace of no more than 1,000 sq.m) provide a financial contribution towards off-site affordable housing. Current rate is £100 per sq.m based on gross internal area (GIA ³⁰)	✓			
Custom/self-build housing	5% provision of serviced residential plots for the purpose of self/custom-build on larger residential schemes of 100 or more homes	✓			
Custom/self-build housing – other smaller schemes put forward for the express purpose of custom/self-build	Other smaller schemes will be secured through an appropriate planning obligation or planning condition.	✓			✓
Education provision - both on-site and off-site	Generally applies to larger residential schemes of 10 or more dwellings however in some instances, smaller schemes may be assessed depending on their relationship to other	✓		CIL receipts may also be used where appropriate.	

³⁰ Based on the definitions set out in the RIC Code of Measuring Practice

Infrastructure item	Relevant thresholds/requirements	Developer contributions by anticipated mechanism			
		Section 106 agreement	Section 278 agreement	CIL	Planning Condition
	<p>developments as well as potential cumulative impacts.</p> <p>Any such contribution will be considered on a case-by-case basis and will be calculated and agreed in accordance with the procedures and requirements of Oxfordshire County Council as the Local Education Authority.</p>				
Highways and access improvements both on-site and off-site	<p>Generally applies to larger residential schemes of 10 or more dwellings however in some instances, smaller schemes may be assessed depending on their relationship to other developments as well as potential cumulative impacts.</p> <p>The amount/nature of any contribution will be considered on a case-by-case basis and will be agreed with Oxfordshire County Council as the local highway authority.</p>	✓	✓	CIL receipts may also be used where appropriate.	
Public transport services and infrastructure provision both on-site and off-site through an appropriate financial contribution	<p>Generally applies to larger residential schemes of 10 or more dwellings however in some instances, smaller schemes may be assessed depending on their relationship to other developments as well as potential cumulative impacts.</p>	✓	✓	CIL receipts may also be used where appropriate.	

Infrastructure item	Relevant thresholds/requirements	Developer contributions by anticipated mechanism			
		Section 106 agreement	Section 278 agreement	CIL	Planning Condition
	The amount/nature of any contribution will be considered on a case-by-case basis and will be agreed with Oxfordshire County Council as the local highway authority.				
Healthy and active travel provision both on-site and off-site	<p>Generally applies to larger residential schemes of 10 or more dwellings however in some instances, smaller schemes may be assessed depending on their relationship to other developments as well as potential cumulative impacts.</p> <p>The amount/nature of any contribution will be considered on a case-by-case basis and will be agreed with Oxfordshire County Council as the local highway authority.</p>	✓	✓	CIL receipts may also be used where appropriate.	
Travel Plans	<p>Travel plans can be sought on a wide range of planning applications including retail, leisure, employment, residential and mixed use schemes as appropriate.</p> <p>Generally applies to schemes of 10 or more dwellings where appropriate and larger non-residential schemes.</p>	✓			✓

Infrastructure item	Relevant thresholds/requirements	Developer contributions by anticipated mechanism			
		Section 106 agreement	Section 278 agreement	CIL	Planning Condition
	Travel Plans typically include a range of measurable actions and targets which can be monitored throughout the lifetime of the development.				
Indoor sport and leisure facilities both on-site and off-site	On-site provision of indoor sport and leisure facilities sought for larger schemes of 500 or more homes unless not feasible or desirable, in which case an appropriate financial contribution towards off-site provision will be sought. Potential financial contribution towards off-site provision from smaller schemes of more than 10 homes.	✓		CIL receipts may also be used where appropriate.	
Outdoor sports provision (e.g. playing pitches and courts) both on-site and off-site	On site provision sought for larger residential schemes of more than 50 homes unless not feasible or desirable, in which case an appropriate financial contribution towards off-site provision will be sought. Potential financial contribution towards off-site provision from smaller schemes of more than 10 homes.	✓		CIL receipts may also be used where appropriate.	

Infrastructure item	Relevant thresholds/requirements	Developer contributions by anticipated mechanism			
		Section 106 agreement	Section 278 agreement	CIL	Planning Condition
	Provision based on an indicative quantitative requirement of at least 1.6 ha per 1,000 population (applied on a pro-rata basis).				
Play areas both on-site and off-site	<p>Residential schemes of 10 or more homes should provide on-site Local Area for Play (LAP) and/or Local Equipped Area for Play (LEAP) based on an indicative quantitative requirement of at least 0.25 ha per 1,000 population (applied on a pro-rata basis).</p> <p>Larger residential schemes of more than 200 homes should provide an on-site Multi-Use Games Area (MUGA) based on an indicative quantitative requirement of at least 0.3 ha per 1,000 population (applied on a pro-rata basis).</p> <p>Schemes of more than 250 homes should provide a Neighbourhood Equipped Area for Play (NEAP) based on an indicative quantitative requirement of at least 0.25 ha per 1,000 population (applied on a pro-rata basis).</p> <p>Where provision for play is not made on site, an appropriate financial contribution will be sought towards new or enhanced play space provision in the locality.</p>	✓		CIL receipts may also be used where appropriate.	

Infrastructure item	Relevant thresholds/requirements	Developer contributions by anticipated mechanism			
		Section 106 agreement	Section 278 agreement	CIL	Planning Condition
Allotments and other community growing space both on-site and off-site	<p>On site provision sought for larger residential schemes of more than 50 homes unless not feasible in which case an appropriate financial contribution will be sought towards off-site provision or enhancements to be made.</p> <p>Provision to be based on an indicative quantitative requirement of at least 0.3 ha per 1,000 population (applied on a pro-rata basis).</p>	✓		CIL receipts may also be used where appropriate.	
Other Green Space both on-site and off-site	<p>Amenity green space sought on-site for residential schemes of more than 10 homes based on an indicative quantitative requirement of at least 0.6 ha per 1,000 population (applied on a pro-rata basis).</p> <p>Natural and semi-natural green space sought on-site for larger residential schemes of more than 50 homes based on an indicative quantitative requirement of at least 1.8 ha per 1,000 population (applied on a pro-rata basis).</p> <p>Formal parks and gardens sought on site for larger residential schemes of more than 200 homes based on an indicative quantitative requirement of 0.8 ha per 1,000 population (applied on a pro-rata basis).</p> <p>Where on-site provision of other green space is demonstrably not feasible, a financial</p>	✓		CIL receipts may also be used where appropriate.	

Infrastructure item	Relevant thresholds/requirements	Developer contributions by anticipated mechanism			
		Section 106 agreement	Section 278 agreement	CIL	Planning Condition
	contribution will be sought to enable off-site provision or enhancements to be made.				
Public Rights of Way	All development which will impact on an existing right of way will be required to mitigate the impacts to protect existing countryside access.	✓		CIL receipts may also be used where appropriate.	
Biodiversity mitigation and enhancement	All development will be expected to incorporate on-site mitigation and enhancement measures as appropriate. Where it is not possible to achieve adequate on-site mitigation or compensation, a financial contribution will be sought for off-site measures to adequately offset the impact of the development.	✓		CIL receipts may also be used where appropriate.	✓
Air Quality	Schemes of more than 10 homes and larger non-residential developments of more than 1,000 sq.m which demonstrably increase vehicular movements within an AQMA	✓		CIL receipts may also be used where appropriate.	
Flood risk, water management and sustainable drainage both on-site and off-site	On and off site flood risk management and associated drainage infrastructure, including the provision of land to support the development, as appropriate.	✓		CIL receipts may also be used where appropriate.	
Archaeology	Mitigation of potential impacts as appropriate.				✓

Infrastructure item	Relevant thresholds/requirements	Developer contributions by anticipated mechanism			
		Section 106 agreement	Section 278 agreement	CIL	Planning Condition
Public Realm and Public Art both on-site and off-site through an appropriate financial contribution	Provision and maintenance of public realm improvements and public art to be sought from larger residential developments of 10 or more homes.	✓		CIL receipts may also be used where appropriate.	✓
Community facilities both on-site and off-site through an appropriate financial contribution	<p>Requirement to make appropriate provision expected to apply to the five strategic sites allocated in the West Oxfordshire Local Plan 2031.</p> <p>Schemes of 100 dwellings or more may be required to provide on-site provision if there is a demonstrable need.</p> <p>Potential financial contribution to be sought from smaller residential schemes of more than 10 homes.</p>	✓		CIL receipts may also be used where appropriate.	
Community Services (libraries, museums, adult and children support services)	Requirement to make appropriate provision expected to apply to the five strategic sites allocated in the West Oxfordshire Local Plan 2031.	✓		CIL receipts may also be used where appropriate.	
Burial space both on-site and off-site	<p>Requirement to make appropriate provision expected to apply to the five strategic sites allocated in the West Oxfordshire Local Plan 2031.</p> <p>Larger residential schemes of 50 or more homes may also be expected to make a</p>	✓		CIL receipts may also be used where appropriate.	

Infrastructure item	Relevant thresholds/requirements	Developer contributions by anticipated mechanism			
		Section 106 agreement	Section 278 agreement	CIL	Planning Condition
	contribution towards burial space capacity either through the direct provision of land, where appropriate and suitable, or through a financial contribution.				
Primary and Secondary Health Care and Extra-Care both on-site and off-site	Requirement to make appropriate provision expected to apply to the five strategic sites allocated in the West Oxfordshire Local Plan 2031.	✓		CIL receipts may also be used where appropriate.	
Fire and rescue both on-site and off-site through an appropriate financial contribution	Requirement to make appropriate provision expected to apply to the five strategic sites allocated in the West Oxfordshire Local Plan 2031.	✓		CIL receipts may also be used where appropriate.	✓
Policing /community safety both on-site and off-site through an appropriate financial contribution	Requirement to make appropriate provision expected to apply to the five strategic sites allocated in the West Oxfordshire Local Plan 2031.	✓		CIL receipts may also be used where appropriate.	
Ambulance service both on-site and off-site through an appropriate financial contribution	Requirement to make appropriate provision expected to apply to the five strategic sites allocated in the West Oxfordshire Local Plan 2031.	✓		CIL receipts may also be used where appropriate.	
Community Employment Plans (CEPs)	To be encouraged in relation to larger residential schemes of 1,000 or more dwellings and larger commercial developments of 4,000 sqm or more.	✓		CIL receipts may also be used where appropriate.	✓

Infrastructure item	Relevant thresholds/requirements	Developer contributions by anticipated mechanism			
		Section 106 agreement	Section 278 agreement	CIL	Planning Condition
Waste and recycling/waste management	<p>All residential development to provide on-site recycling/ refuse containers and any associated facilities.</p> <p>Potential financial contribution to be sought from residential schemes of more than 10 dwellings towards off-site waste recycling and management infrastructure.</p>	✓			✓
Utilities	Residential schemes of more than 10 homes should provide infrastructure for utilities which is not funded by the utility providers.	✓			✓

Introduction

The completion of a planning obligation involves the District Council in various administrative /monitoring duties and responsibilities, which places a cost burden on the authority.

Part 10 of the Community Infrastructure Levy (Amendment) (England) Regulations 2019 permits the Council to secure fees to monitor and report on planning obligations contained within a section 106 planning agreement, especially where the scale of the development is complex and needs long-term monitoring.

The sum of any monitoring fee must not exceed the authority's estimate of its costs of monitoring the development over the lifetime of the planning obligation(s).

In addition, where the Community Infrastructure Levy (CIL) is in place, 5% of any CIL receipts are able to be spent on administrative expenses.

Monitoring fees applicable in West Oxfordshire

The District Council will seek to recover the cost of the administration and monitoring of each Section 106 agreement through an appropriate monitoring fee.

Non-Strategic Developments

For smaller non-strategic developments, the monitoring fee will be set at a minimum of £400 per District Council contribution up to a maximum of £5,000 per planning agreement/ obligation (desktop monitoring). An additional charge of £400 per affordable housing scheme will be applied where relevant to cover the costs incurred by the Council including necessary liaison with registered providers (RPs) etc. There will be a further £75 per hour charged per agreement to cover the cost of site visits on the basis of average three visits at key trigger points e.g. commencement of development, mid occupation point and completion.

The monitoring fee will be reviewed on a regular basis (24 months) and the fee will be used in respect of the following:

- Updating and maintaining the District Council's planning obligations database;
- Ensuring that all the financial and non-financial obligations in agreements are met (excluding taking enforcement/legal action);
- Providing calculations, sending invoices and receiving payments;
- Ensuring financial contributions are used for the specific purpose outlined in the obligation;
- Keeping and maintaining transparent accounting procedures;
- Providing regular updates for Councillors, Cabinet, Scrutiny Committees and the wider community
- Preparing and publishing the annual Infrastructure Funding Statement, which requires active monitoring of S106 agreements, reporting the securing, receipt and spending of contributions
- Tasks undertaken by the Housing team including resolving any issues arising which could impact on affordable housing delivery in line with agreed timescales and conditions.

Strategic Developments

For larger strategic developments including the five strategic allocations in the West Oxfordshire Local Plan 2031, monitoring fees will be determined on a case-by-case basis, based on the estimated hours of monitoring of contributions/obligations to be undertaken during the lifetime of the planning obligation/s and development.

The Council will negotiate the required fees and the trigger points for tranches of the monitoring fee at key milestones or stages of the development.

Summary

	Monitoring Fee	Trigger Point
Non-Strategic Developments	£400 per District Council obligation /contribution	Commencement of development/at trigger point(s)
	Plus £400 per Affordable Housing scheme (where applicable)	Commencement of development/at trigger point(s)
	£75 per hour (on average 2 hours per visit per agreement plus one visit on completion)	At the related trigger points per agreement plus one on completion
Strategic Sites	Monitoring fee to be negotiated on case by case basis.	Negotiated tranches on a case by case basis

DRAFT PROPOSED INDEMNITY AGREEMENT

Dated 2022

WEST OXFORDSHIRE DISTRICT COUNCIL

AND

[]

RECEIPT FOR MONIES ARISING UNDER PLANNING AGREEMENT

Pursuant to Section 106 of the Town and County Planning Act 1990

Relating to

[Development Site Planning Reference no.]

THIS AGREEMENT is made on the [insert date as number] day of [insert month] Two Thousand and Twenty Two

BETWEEN:

1. **WEST OXFORDSHIRE DISTRICT COUNCIL** of [insert address] (“the District Council”)

2. [insert name and address of the Recipient .] (“the Recipient”)

RECITALS

A. Planning permission was sought from the District Council to carry out the development of [insert the description of the development] and [insert the address of the site/land]

B. The District Council is the Local Planning Authority for the purposes of the Town and Country Planning Act 1990 (As Amended) for the District of West Oxfordshire within which the Application Land/Site is situated

C. On [insert date] the District Council resolved to grant planning permission in accordance with the planning application ref no. and subject to planning conditions and a Section 106 Planning Agreement/Unilateral Undertaking dated [insert date] (“the Deed”)

D. The Recipient [insert name & address] is in receipt of the [name the contribution e.g. Health Contribution or police contribution] which amounts to [£ insert figure and also describe in words and state if inclusive of indexation] and is for [insert the purpose/use of the contribution e.g. for the provision of and improvement of health facilities at Surgery]

E. The parties have agreed to enter this indemnity agreement with the intention that the obligations/covenants contained herein may be enforced by the District Council against the Recipient and their respective successors in title, where necessary.

THE DISTRICT COUNCIL COVENANTS

In accordance with [insert the relevant clause nos.] of the [Section 106 planning agreement dated] The District Council will serve written notice to [insert name and address of the recipient] . which :-

a) Advises the [Recipient] that the Deed has been entered into and that it contains an obligation on the Owner to pay the [type of contribution]

- b) Advises the [recipient] of the purpose of the [type of contribution] as set out in the Deed
- c) Advises the [recipient] of the amount of the [type of contribution] and each tranche thereof together with details of the trigger dates for payment and
- d) Requests confirmation from the [recipient] as to which of them the Council should pay the contribution to in accordance with the Deed
- e) The District Council covenants with the Owner to pay the Contribution to the [relevant recipient]

THE RECIPIENT COVENANTS

The Recipient to provide a written undertaking for the benefit of the District Council and the Owner that it will:-

- a) apply the [Contribution] in accordance with the purposes set out in the Deed
- b) provide full details of the expenditure of the [Contribution] on demand to the District Council or the Owner PROVIDED that no such demand shall be made before the expiry of three years from the date of receipt of the [Contribution] by the District Council and such demands shall not be made more frequently than once a quarter thereafter and
- c) return any unspent or uncommitted part of the [Contribution] (with any required interest at the Bank of England Base rate from time to time that has accrued thereon in the period from the date of receipt by the District Council to the date of repayment) to the District Council after expiry of five years from the date of receipt of the Health Contribution by the District Council regardless of when the same was paid to the relevant Health Body.
- d) to co-operate fully and to provide such information as is reasonably requested by the District Council in the event that repayment of the [Contribution] is sought by the Owner under the terms of the Deed and
- e) to notify the District Council immediately in writing of any instances of fraud or misappropriation of the [Contribution] and
- f) to indemnify the District Council in respect of all claims made against the District Council for repayment of the [Contribution] including (but not limited to) legal costs and interest awarded against the District Council arising from the repayment of the [Contribution].

IN WITNESS WHEREOF this Agreement is executed as a DEED in the manner hereinafter appearing the day and year first before written

The COMMON SEAL of

WEST OXFORDSHIRE DISTRICT COUNCIL


was hereunto affixed in the presence of:-

Authorised Signatory

Signed as a deed by in the presence of

THE COMMON SEAL of The RECIPIENT e.g.

Signed as a deed by in the presence of

 <p>WEST OXFORDSHIRE DISTRICT COUNCIL</p>	<p>WEST OXFORDSHIRE DISTRICT COUNCIL</p>
<p>Name and date of Committee</p>	<p>CABINET – 17 August 2022</p>
<p>Report Number</p>	<p>Agenda Item 7</p>
<p>Subject</p>	<p>WEST OXFORDSHIRE LOCAL PLAN 2041 Initial Issues and Scoping Consultation</p>
<p>Wards affected</p>	<p>All</p>
<p>Accountable member</p>	<p>Councillor Andy Graham, Leader of West Oxfordshire District Council Email: andy.graham@westoxon.gov.uk</p>
<p>Accountable officer</p>	<p>Giles Hughes, Chief Executive Officer for West Oxfordshire District Council Tel: 01993 861658 Email: giles.hughes@westoxon.gov.uk</p>
<p>Summary/Purpose</p>	<p>To inform Members of the need to update the West Oxfordshire Local Plan through an initial Issues and Scoping Consultation.</p> <p>To agree a programme of engagement to inform the revision of the West Oxfordshire Local Plan.</p>
<p>Annexes</p>	<p>None</p>
<p>Recommendation/s</p>	<p>a) <i>That Cabinet note the intention to review the West Oxfordshire Local Plan commencing with an initial Issues and Scoping Consultation</i></p> <p>b) <i>That Cabinet agree to a programme of engagement that will help to inform the scope of the West Oxfordshire Local Plan alongside the West Oxfordshire Council Plan.</i></p>
<p>Corporate priorities</p>	<p>The development of a revised Local Plan and Council Plan for West Oxfordshire will generate a new set of corporate priorities for the activity of West Oxfordshire District Council.</p>
<p>Key Decision</p>	<p>NO</p>
<p>Exempt</p>	<p>NO</p>
<p>Consultees/ Consultation</p>	<p>A programme of engagement is proposed to give a wide range of stakeholders the opportunity to inform and influence the priorities of the revised Local Plan and Council Plan to ensure that they reflect the issues of most importance to those living and working in West Oxfordshire. It is proposed that this will include:</p> <p>a) A digital public consultation open to all</p> <p>b) A Town and Parish Council Forum</p>

	c) A stakeholder event for a range of organisations active in the District who may be potential partners for delivering the priorities of the revised Council Plan
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1. BACKGROUND

- 1.1. In May 2022 a new administration was voted into power at West Oxfordshire District Council. Following this recent change in political administration, the District Council is updating both its Local Plan and Council Plan and is seeking early views from local residents and businesses on potential areas of focus.
- 1.2. This early engagement will help to ensure that both the Local Plan and the Council Plan address the issues of most importance and relevance to West Oxfordshire.
- 1.3. The purpose of a Local Plan is to set out a vision and framework for the future development of an area, enabling needs and opportunities to be identified and decisions made on key issues such as how much development takes place and where, what infrastructure is needed and how positive outcomes such as environmental enhancements can best be achieved.
- 1.4. The Council Plan is a strategic document setting out a direction of travel for the District Council and sitting at the heart of a range of other strategies including the Local Plan. Through the preparation of the new Council Plan, a set of priorities for action will be defined to ensure that all action taken by the Council, either through service delivery or working with others, makes a positive contribution to the communities, environment and economy of West Oxfordshire.
- 1.5. The Local Plan is being reviewed for a number of reasons but particularly because we want to strengthen it and be more ambitious in tackling climate change and improving health and well-being. The Council Plan is being reviewed to ensure it is fit for purpose and reflects the priorities of the Council's new political administration.
- 1.6. The new administration (made up of a cross party coalition, the West Oxfordshire Alliance) recently published an early set of priorities highlighting particular issues they seek to address during their tenure. These initial priorities have been used to inform a number of potential 'areas of focus' for revising the Local Plan and Council Plan. It is important to note that these are initial suggestions only and will be worked up in more detail depending on the feedback received during the consultations. The potential areas of focus include:
 1. Tackling the climate and ecological emergency
 2. Healthy, safe, strong and inclusive communities
 3. A rich natural and built environment
 4. Attractive, accessible and thriving places
 5. Meeting the housing needs of all
 6. A vibrant, resilient and diverse local economy
- 1.7. A review of the Local Plan and Council Plan provides an opportunity for engagement with a wide range of stakeholders including the general public, Town and Parish Councils and organisations who are active in West Oxfordshire from the public, private and community/

voluntary sectors. This will enable the current priorities and areas of focus in the Local and Council Plans to be tested to ensure they correctly reflect the challenges facing the District today and the areas in which the new administration would like to focus.

2. PROPOSED ENGAGEMENT PROGRAMME

- 2.1.** We propose an initial stage consultation, feedback from which will be used to shape the content of both the new Local Plan and the Council Plan.
- 2.2.** Consultation questions have been prepared which are purposefully short and punchy. The consultation will have a strong digital focus to reach as broad and diverse an audience as possible.
- 2.3.** By using a new digital platform CommonPlace (funded by the government's PropTech fund) the consultation will be accessible, visual and interactive. The consultation will be designed to generate a strong steer on those issues that matter the most to the public and to enable the Council to sense check whether the emerging draft priorities are correct in emphasis.
- 2.4.** To give the democratically elected representatives of the District's communities the opportunity to input in person, a Town and Parish Forum will be held. This will be a facilitated discussion to obtain the views of Town and Parish Councils about issues particularly relevant to their local communities. As with the digital public consultation, this is an opportunity to get an insight into local priorities and to also explore the potential for joint working between the District Council and the Town or Parish Council to address locally important issues.
- 2.5.** A stakeholder engagement event will also be held for a range of organisations active in the District with remits that relate to West Oxfordshire's environment, economy and/or the community. This will provide an opportunity for the Council to benefit from their local insight and expertise, to identify where common interests lie and the potential for joint working.

3. NEXT STEPS AND TIMETABLE

- 3.1.** The new Local Plan will cover the 20-year period 2021 – 2041 to ensure that it covers a period of more than 15-years from the assumed date of adoption (2024).
- 3.2.** The new Council Plan will cover the 4-year period 2022 – 2026 and will be drafted following this initial consultation, with a view to being formally adopted by the Council in October 2022.
- 3.3.** In terms of the timetable for preparing the new Local Plan, we are being purposefully ambitious, with the following key milestones expected to apply:
 - Plan preparation (August 2022 – August 2023)
 - Formal publication (September 2023)
 - Submission for independent examination (December 2023)
- 3.4.** To achieve these timetables, three engagement activities are proposed as follows:
 - Joint Council Plan and Local Plan Digital Consultation: August/September 2022
 - Town and Parish Forum: August 2022
 - Stakeholder Event: August 2022

- 3.5.** The outputs of the engagement programme will be analysed and these, together with contextual data on the profile of the District, will inform the development of the Local Plan and Council Plan.

4. LEGAL IMPLICATIONS

- 4.1.** There are no legal implications arising directly from this Report.

5. RISK ASSESSMENT

- 5.1.** All actions will be subject to the Council's corporate risk management approach and will, therefore, be tested in terms of risk likelihood, potential impact and identification of mitigation steps.

6. EQUALITIES IMPACT

- 6.1.** The pursuit of an updated Local Plan and Council Plan should have a positive effect in terms of its equalities impact. It will be appropriate to complete an informed Equalities Impact Assessment as the work is further specified following development of priorities in the Plans.

7. CLIMATE CHANGE IMPLICATIONS

- 7.1.** Addressing the climate and ecological crisis have been identified as a priority of Cabinet and will therefore be represented as an area of focus in the proposed consultation on the revised Local Plan and Council Plan

8. ALTERNATIVE OPTIONS

- 8.1.** No specific alternative options have been identified at this point. In respect of the Local Plan, more specific options and alternatives will be further considered as the plan progresses towards formal publication in 2023.

9. BACKGROUND PAPERS

- 9.1.** None.

 <p>WEST OXFORDSHIRE DISTRICT COUNCIL</p>	<p>WEST OXFORDSHIRE DISTRICT COUNCIL</p>
<p>Name and date of Committee</p>	<p>CABINET – 17 AUGUST 2022</p>
<p>Report Number</p>	<p>Agenda Item 8</p>
<p>Subject</p>	<p>RENEWAL OF COUNTYWIDE DOMESTIC ABUSE SERVICES CONTRACT</p>
<p>Wards affected</p>	<p>ALL</p>
<p>Accountable member</p>	<p>Councillor Geoff Saul Cabinet Member for Housing and Community Safety Tel: 01608 648020 Email: geoff.saul@westoxon.gov.uk</p>
<p>Accountable officer</p>	<p>Heather McCulloch - Community Wellbeing Manager Tel: 01993 861562 Email: heather.mcculloch@publicagroup.uk</p>
<p>Summary/Purpose</p>	<p>To consider funding towards the new countywide Oxfordshire Domestic Abuse contract which will start on 1st April 2023.</p>
<p>Annexes</p>	<p>Annex A - Key statistics for domestic abuse in Oxfordshire</p>
<p>Recommendation/s</p>	<p>Cabinet is recommended to:</p> <p><i>a) note the duty the Domestic Abuse Act 2021 places on local authorities in England to provide accommodation based support to victims of domestic abuse and their children in refuges and other safe accommodation;</i></p> <p><i>b) agree funding towards the Oxfordshire Domestic Abuse contract to start on 1st April 2023, subject to Council resolution when setting the 2023/24 revenue budget.</i></p>
<p>Corporate priorities</p>	<p>We will enable everyone to lead healthy and fulfilling lives in thriving communities.</p>
<p>Key Decision</p>	<p>No</p>
<p>Exempt</p>	<p>No</p>
<p>Consultees/ Consultation</p>	<p>None</p>

1. BACKGROUND

- 1.1. At a Cabinet meeting on 18th October 2017 funding of up to £35k per year for three years commencing in April 2018, was approved, towards a countywide contract to deliver domestic abuse services in Oxfordshire.
- 1.2. The background to this decision is that in 2014 Oxfordshire County Council (OCC) agreed a programme of savings that included reducing the budget for domestic abuse services from £337,000 to £200,000 from April 2015. Given the challenge this would cause, OCC agreed to continue funding the current level of service until a detailed review of domestic abuse was completed. This review was completed in October 2016 and recommended bringing together the disparate services being delivered across the County to ensure that services were joined up and easily accessible, as domestic abuse is present in all areas of the County.
- 1.3. As part of this joined up approach, the review recommended that the various funding streams being spent on domestic abuse services should be brought together to enable the co-commissioning of a range of services to meet local need, while reducing complexity and allowing for the increasing volume of need. This approach would also, importantly, bring consistency in quality of approach across the county.
- 1.4. The Council had made no contribution to Domestic Abuse services prior to April 2018 whereas other District Councils had funded their own outreach worker posts.
- 1.5. The original three year contract period came to an end on 31st March 2021 but was extended following the agreement of all parties for a further 2 years.
- 1.6. At a Cabinet meeting on 24th March 2021 it was agreed that the Council would continue to fund the contract for the extension period until 31st March 2023.

2. NATIONAL POLICY CONTEXT

2.1. [The UK government's definition of domestic abuse](#) is “any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality. The abuse can encompass, but is not limited to psychological, physical, sexual, financial and emotional.”

2.2 Key facts:

- One in four women and one in six men will suffer domestic abuse at some time in their lives.

- Almost one in three women aged 16-59 will experience domestic abuse in her lifetime
- Two women a week are killed by a current or former partner in England and Wales alone
- In the year ending March 2019, 1.6 million women experienced domestic abuse
- 62% of children in households where domestic violence is happening are also directly harmed
- 85% of those experiencing domestic violence sought help from professionals an average of five times before they received effective help to stop the abuse
- Abuse lasts, on average, 25% longer in the most rural areas
- The more rural the setting the more risk of harm
- Retreating rural resources make help and escape harder

2.3 In 2021 the [Domestic Abuse Act](#) came into force. The purpose is to:

- Raise awareness and understanding about the devastating impact of domestic abuse on victims and their families.
- Further improve the effectiveness of the justice system in providing protection for victims of domestic abuse and bringing perpetrators to justice.
- Strengthen the support for victims of abuse by statutory agencies.

2.4 Furthermore the Act will :

- create a statutory definition of domestic abuse, emphasising that domestic abuse is not just physical violence, but can also be emotional, controlling or coercive, and economic abuse
- **place a duty on local authorities in England to provide accommodation based support to victims of domestic abuse and their children in refuges and other safe accommodation**
- provide that all eligible homeless victims of domestic abuse automatically have 'priority need' for homelessness assistance
- ensure that where a local authority, for reasons connected with domestic abuse, grants a new secure tenancy to a social tenant who had or has a secure lifetime or assured tenancy (other than an assured shorthold tenancy) this must be a secure lifetime tenancy

3. LOCAL POLICY CONTEXT

- 3.1 Oxfordshire's overarching domestic abuse strategy is constructed around four key strategic priorities:
1. **Prevention** - preventing domestic abuse from happening by challenging the attitudes and behaviour which foster it and intervening early where possible to prevent it.
 2. **Provision** - providing high quality, joined up support for victims where domestic abuse does occur.
 3. **Pursuing** - taking action to reduce the harm to victims-survivors of abuse by ensuring that perpetrators are held to account and provided with opportunities for change in a way that maximises safety.
 4. **Partnership** - working in partnership to obtain the best outcome for victims-survivors, children and their families.
- 3.2 Key statistics on domestic abuse in Oxfordshire are shown at Annex A and show the local context for West Oxfordshire.
- 3.3 The delivery of a service to support domestic abuse victims will fit within the emerging Council Priority - 'We will enable everyone to lead healthy and fulfilling lives in thriving communities'.
- 3.4 On 26th October 2021, the Council approved a motion 'to ensure that West Oxfordshire District Council does everything in its power to build a District free from harassment violence against women and girls'
- 3.5 Support for victims of domestic abuse is a top priority for the West Oxfordshire Community Safety Partnership (CSP) and included in the 2022/23 CSP plan.

4. CURRENT POSITION

- 4.1 The existing countywide contract delivered by A2Dominion provides an access and information service including helpline, outreach and Independent Domestic Violence Advocates (IDVAs) services including 1:1 counselling, refuge accommodation, complex needs service for those with multiple issues, and specialist support groups for victims of domestic abuse. An advantage of a countywide contract is that the service in each area is delivered to an agreed standard consistently. It also provides economies of scale around recruitment, training and the management of overheads and coverage for sickness and leave.
- 4.2 In addition the Council is taking local action to support victims:
- Sanctuary scheme – led by Housing team – provides locks and other safety measures to help people stay safe at home
 - Designated MARAC officer (DMO), in Housing team
 - Domestic Abuse specialist role in the Housing team

- £10,000 from COMF funding to Reducing the Risk to deliver Champions training to communities in West Oxfordshire in 2021/22.
- Places of Safety scheme under development - plan to identify one location in each district to give a place to those ineligible for refuge
- Championing specific approach in rural areas - chair Rural DA subgroup of Domestic Abuse Strategic Board
- £2,615 to provide doorbells and cameras for victims from community safety partnership budget in 2021/22
- Participation in 16 days of Activism in Nov 2021
- Representation on the Countywide Domestic Abuse Strategic group and Domestic Abuse Operational group.

5. MAIN POINTS

- 5.1 The existing Oxfordshire Domestic Abuse Services (ODAS) contract comes to an end in March 2023. It has been operated by A2Dominion since 2018. The annual value of the contract in 2021 was £545,000.
- 5.2 West Oxfordshire District Council has provided £35,000 annually for the life of the current contract. During that time £25,000 of the sum was secured via the Community Safety Partnership grant from the Office of the Police and Crime Commissioner in Oxfordshire (OPCC). From 2023/24 onwards funding will no longer be available via this route.
- 5.3 Oxfordshire County Council is planning to advertise the tender at the end of September 2022 with a view to the tender being awarded in December 2022 for an April 2023 start.
- 5.4 Oxfordshire County Council is seeking ongoing funding from West Oxfordshire District Council (and from the city council and other district councils in Oxfordshire) and given the timescales for the tender process timeline is seeking a commitment before the end of September 2022. The request is that the contributions from the district councils take account of cost of living increases and the demands of the new Act.

6. FINANCIAL IMPLICATIONS

- 6.1 The Council has contributed £175,000 towards the ODAS contract since 2018. Of that, £125,000 has been secured from external funding provided to the Community Safety partnership from the OPCC. Moving forward there will be no opportunity to secure funding from the OPCC for this purpose. There is currently £10,000 in the base budget for each year.
- 6.2 Oxfordshire County Council is hoping to be able to offer a contract with an annual value of approximately £700,000. This is above the figure for 2021 of £545,000. This increase is expected partly because of the increases in cost of living but also because the new Act requires certain services must be included – for example, Perpetrator programmes.

6.3 Contributions from district councils in 2021/22 were:

	2021	Adult population 2021 (15+)	Per head cost
West Oxfordshire DC	£35,000	95,000	0.37p
Vale White Horse DC / South Ox DC combined	£51,000	114,200 122,900	0.21p
Oxford City Council	£35,000	138,500	0.25p
Cherwell DC	£25,000	132,400	0.19p
	£165,000	603,000	

6.4 Currently the Council contributes £35,000 per year – this is 37p per head of population. The lowest contribution per head of population is Cherwell District Council at 19p per head. The figures below illustrate the cost options. Oxford City Council has already agreed its contribution at £35,000 per annum, which equates to approximately 25p per head of population. Given that when we receive grant funding it is often weighted to population, it would seem logical to apply this method to calculating our contribution.

6.5 The OPCC has indicated that whilst they plan to provide some financial assistance to support the new contract, they are prioritising funding to services and contracts which cover the Thames Valley as a whole. They are a significant contributor to the current Oxfordshire Domestic Abuse Service.

	Adult pop 15+	25p per head	28p per head	30p per head	37p per head
West Oxfordshire DC	95,000	£23,750	£26,600	£28,500	£35,000
Vale White Horse DC	114,200	£28,550	£31,976	£34,260	£42,254
South Oxfordshire DC	122,900	£30,725	£34,412	£36,870	£45,473
Oxford City Council	138,500	£35,000*	£35,000*	£35,000*	£51,245
Cherwell DC	132,400	£33,100	£37,072	£39,720	£48,988
Total	603,000	£151,125	£165,060	£174,350	

*Oxford City has a 3 year agreement in place at 35k. Alternative figures would be £34,625, £38,780, £41,550

	2021	Year 1 25p p/h	Year 2 (Yr1 + 3%)	Year 3 (Yr2 + 3%)
West Oxfordshire DC	£35,000	£23,750	£24,463	£25,196

6.6 All illustrations above represent a base budget increase for the Council. Inflationary increases at 3% per annum have been illustrated. The Cabinet would need to determine whether or not an increase in base budget can be recommended and if it is, propose this in the 2023/24 revenue budget for Council resolution in early 2023. As an alternative Cabinet may wish to consider utilising some of the existing grants budget, which is currently subject to review, to cover the growth beyond the existing £10,000 base budget.

6.7 Oxfordshire County Council has confirmed that the contract duration has yet to be determined. ODAS is currently a 3 year plus 2 contract.

7. LEGAL IMPLICATIONS

7.1 The Council is under no legal obligation to contribute to the service after March 31st 2023. If funding is approved beyond that then this arrangement will be subject to a legal agreement.

8. RISK ASSESSMENT

8.1 West Oxfordshire may see a more limited service available for residents should the Council decide not to make a contribution. A reduced service would increase risk to victims. OCC is looking for a contribution for the Council for the life of the contract which would present a financial risk to the Council. There will be a monitoring regime in place and the Council will have the opportunity to raise concerns if performance does not match expectations, and seek remedial action.

9. EQUALITIES IMPACT (IF REQUIRED)

9.1 The decision to fund the service will have a positive effect on the people using the service. Using the funding for this purpose may have the effect of reducing resources available for other purposes.

10. CLIMATE CHANGE IMPLICATIONS (IF REQUIRED)

10.1 There are no implications in relation to climate change

11. ALTERNATIVE OPTIONS

11.1 The Council could decide not to fund the service as there is no legal obligation to do so.

12. BACKGROUND PAPERS

12.1 The following documents have been identified by the author of the report in accordance with section 100D.5(a) of the Local Government Act 1972 and are listed in accordance with section 100 D.1(a) for inspection by members of the public:

- Countywide Domestic Abuse Support Service Report to Cabinet dated Wednesday 24th March 2021 and associated minutes
- Domestic Abuse Services in Oxfordshire Report to Cabinet dated Wednesday 18th October 2017 and associated minutes

12.2 These documents will be available for inspection at the Council Offices at Woodgreen, Witney during normal office hours for a period of up to 4 years from the date of the meeting. Please contact the author of the report.

Annex A - Key statistics on domestic abuse in Oxfordshire

What is the local context?

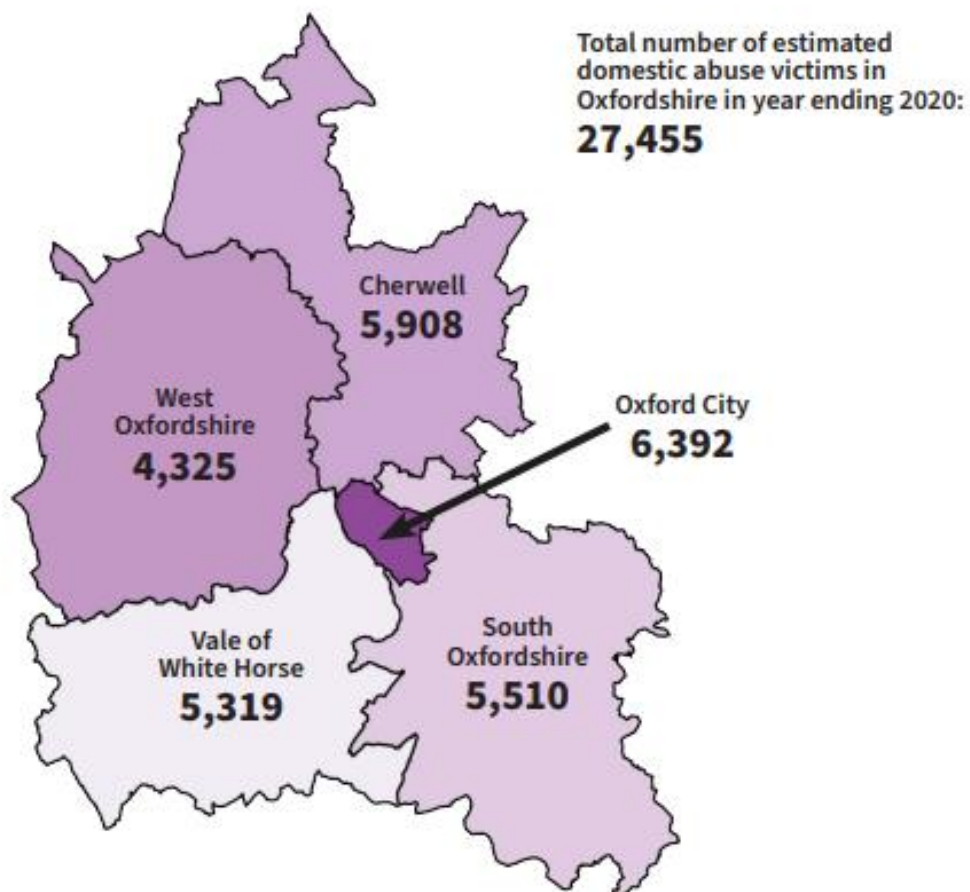
In 2021, Oxfordshire County Council conducted a needs assessment looking at the number of victims-survivors, including children and young people, of domestic abuse in Oxfordshire and the current provision of services available to meet their needs. The estimated number and current provision of services for perpetrators was also included in the needs assessment. A range of national and local statistics are summarised to provide an overview and snapshot of the current profile in Oxfordshire.

Key statistics on domestic abuse victims-survivors who are ADULTS in Oxfordshire

The number of victims of domestic abuse in Oxfordshire is calculated using either national data which is modelled to produce a synthetic estimate for Oxfordshire or local data from police and crime datasets to produce recorded or known numbers for Oxfordshire.

What is the **estimated** number of domestic abuse adult victims in Oxfordshire?

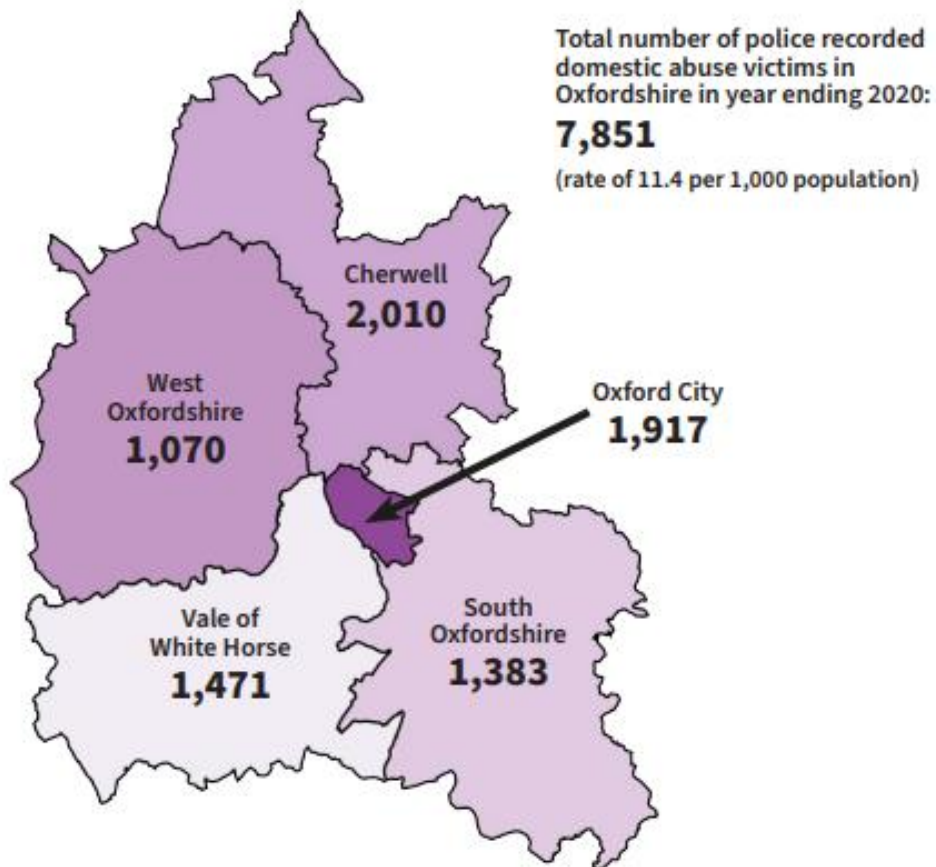
Figure 1: Map of estimated number of domestic abuse adult victims by district in Oxfordshire⁴:



4. The Crime Survey for England and Wales (synthetic estimate)

What is the **recorded** number of domestic abuse adult victims in Oxfordshire?

Figure 2: Map of recorded number of domestic abuse adult victims by district in Oxfordshire⁵:



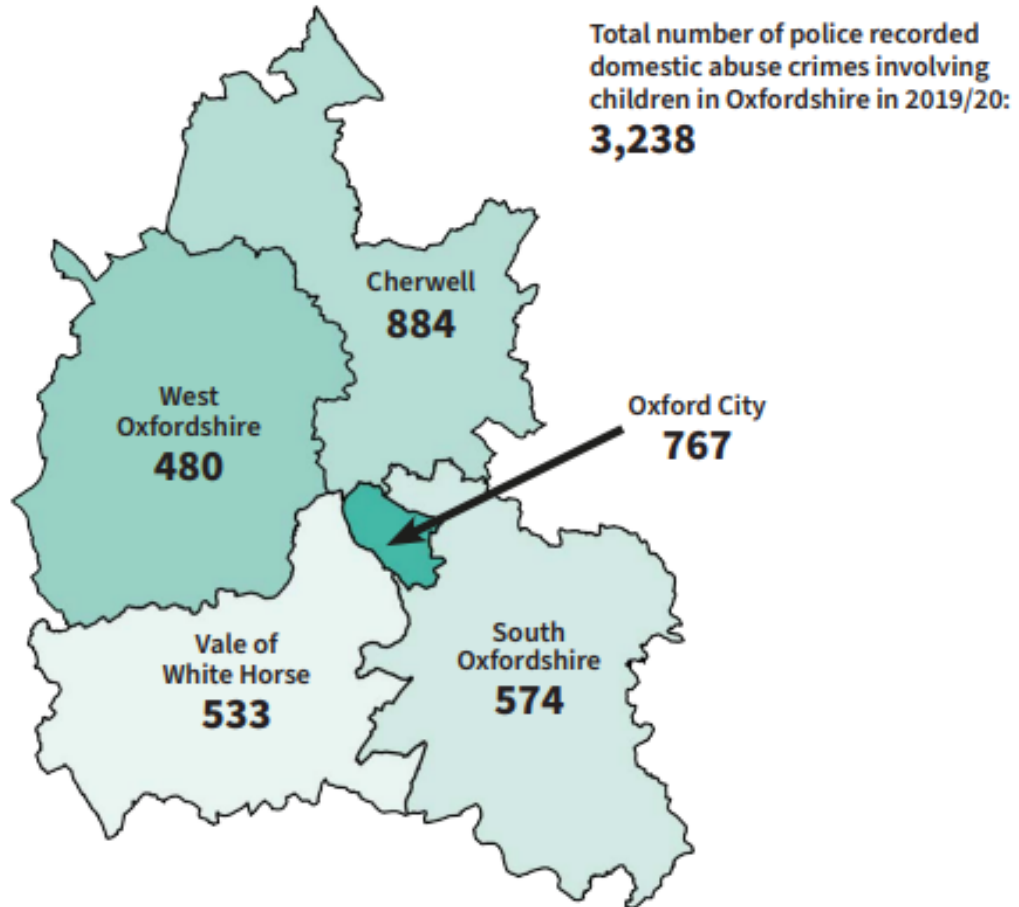
The synthetic estimate is significantly higher than the recorded number as only a proportion of victims report domestic abuse to the police. This highlights that the local dataset represents only a proportion of victims and therefore there is a large unrecorded number of victims of domestic abuse in Oxfordshire.

⁵ Thames Valley Police Crime Recording System - Niche RMS

Key statistics on domestic abuse victims-survivors who are CHILDREN AND YOUNG PEOPLE in Oxfordshire

What is the recorded number of domestic abuse crimes involving children in Oxfordshire?

Figure 3: Map of recorded number of domestic abuse crimes involving children by district in Oxfordshire¹¹:

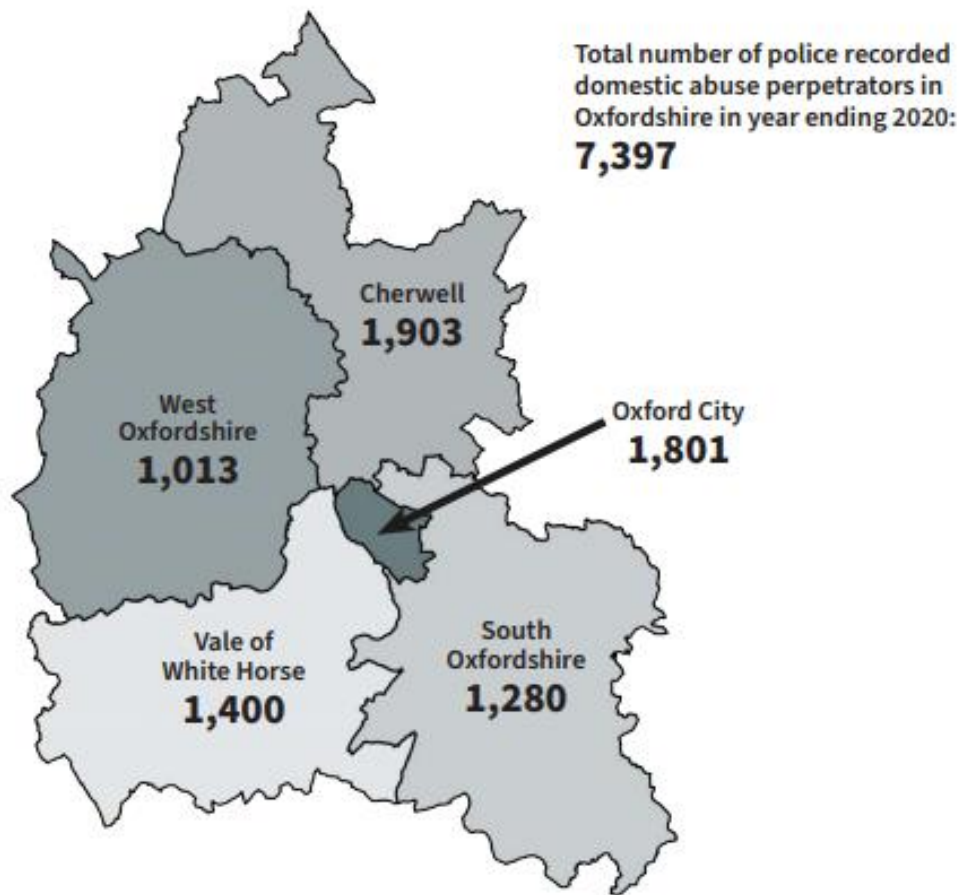


11. Thames Valley Police Crime Recording System - Niche RMS

Key statistics on domestic abuse PERPETRATORS and young people who use abusive behaviour in Oxfordshire

What is the **recorded** number of domestic abuse perpetrators in Oxfordshire?


Figure 4: Map of recorded number of domestic abuse perpetrators by district in Oxfordshire²⁵:



25. Thames Valley Police Crime Recording System - Niche RMS

- 10% increase in the police recorded number of domestic abuse victims in Oxfordshire when comparing year ending December 2020 with the average of the previous 3 years (2017 to 2019)⁷. The increase may be real, or due to improved recording by the police, or both
- Overall, in the year ending 31 March 2017, domestic abuse is estimated to have cost over £66 billion in England and Wales.
- Females are more likely to be victims of domestic abuse: 69% recorded as female compared to 29% male in year ending December 2020 in Oxfordshire. This aligns with national data
- It is estimated that 20% (1 in 5) children in the UK are exposed to domestic abuse. Applying this to the population of Oxfordshire (131,373 children aged 0-15 years) it can be estimated that 26,274 children in Oxfordshire may have experienced or witnessed domestic abuse in their childhood.
- People with a long-term illness or disability compared to those without are considerably more likely to be victims-survivors of domestic abuse. 34.8% of adults aged 16-59 and 52.1% of adults aged 60-74 with experience of partner abuse had long- standing illness or disability
- The prevalence of all types of abuse among LGBT+ victims-survivors is higher than among those who do not identify themselves as LGBT+ and there are higher rates of repeat experiences of abuse and discrimination over their lifetime (i.e. 'poly-victimisation').
- Domestic abuse is more frequent during pregnancy. It is estimated that approximately 6.7% of pregnant women are abused during their pregnancy or soon after the birth²³. An estimated 500 women in Oxfordshire may experience domestic abuse during pregnancy and postnatally every year.
- Victims over 60 will typically experience abuse for 6.5 years before accessing help compared to approximately 3 years for those under 60
- Victims of domestic abuse with mental health needs were more likely to have visited their GP and A&E before accessing support for the abuse

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 <p>WEST OXFORDSHIRE DISTRICT COUNCIL</p>	<p>WEST OXFORDSHIRE DISTRICT COUNCIL</p>
<p>Name and date of Committee</p>	<p>CABINET – 17 AUGUST 2022</p>
<p>Report Number</p>	<p>Agenda Item 9</p>
<p>Subject</p>	<p>NEW COUNCIL INITIATIVES FUNDING ALLOCATIONS</p>
<p>Wards affected</p>	<p>ALL</p>
<p>Accountable member</p>	<p>Councillor Andy Graham, Leader Email: andy.graham@westoxon.gov.uk</p>
<p>Accountable officer</p>	<p>Giles Hughes, Chief Executive Email:giles.hughes@westoxon.gov.uk</p>
<p>Summary/Purpose</p>	<p>To approve some initial allocations of funding towards the initiatives that support the emerging Council priorities as set out at the Cabinet meeting in July 2022 and agree appropriate delegations to implement new initiatives.</p>
<p>Annexes</p>	
<p>Recommendation/s</p>	<p>It is recommended that Cabinet:</p> <ul style="list-style-type: none"> a) <i>Confirms its approach to allocating funds from the new reserve approved by Council in July 2022 and any delegated arrangements;</i> b) <i>Approves an allocation of £75,000 from the reserve for the purchase of the two electric sweepers in 2022/23;</i> c) <i>Asks officers to investigate a longer term plan to decarbonise the vehicle fleet used by the Council and its partners and report back later in the year;</i>
<p>Corporate priorities</p>	<p>Taking urgent action to address the climate and ecological crisis by working in partnership with others</p>
<p>Key Decision</p>	<p>YES</p>
<p>Exempt</p>	<p>NO</p>
<p>Consultees/ Consultation</p>	

I. BACKGROUND

1.1. At the Cabinet meeting of 13 July 22 Cabinet recommended to Council the establishment of a New Initiatives Funding Reserve financed from underspends and unutilised earmarked reserves. This funding allocation was approved by Full Council on 20 July 2022 and consequently this funding is now available for Cabinet to consider and approve allocations from.

1.2. At the same Cabinet meeting a report was approved setting out the emerging priorities of the new administration and confirming a process to undertake a programme of public engagement on these priorities leading up to a formal adoption of a revised plan in the autumn.

1.3. The emerging priorities are set out below and should guide the allocation of resources from the New Initiatives Fund pending a formal adoption of a new Council Plan.

- Leading efforts and working with others to protect, restore and enhance the quality of West Oxfordshire's natural and built environment.
- Taking urgent action to address the climate and ecological crisis by working in partnership with others.
- We will tackle inequalities by providing opportunities to everyone in West Oxfordshire to achieve their full potential.
- Supporting businesses to ensure great opportunities for residents through a vibrant local economy and its services.
- We will enable everyone to lead healthy and fulfilling lives in thriving communities.
- We will help everyone live in a house that meets their needs.
- Operate with a culture of openness, giving you a voice, choice, priority and access.
- Securing your Council's financial future to deliver on priorities and continuously improve your services.
- We will work in partnership to influence and deliver more effective results for your communities.

2. MAIN POINTS

2.1. Pending the adoption of the formal Council Plan the emerging priorities should steer any decisions made to allocate new initiatives funding in the short term. Understandably there is a desire from the new administration to ensure decisions made in the short term do not conflict with these priorities and therefore this report sets out a framework for decisions to be made and puts forward an initial funding request for consideration.

- 2.2. It is a decision for Cabinet to determine its approach to decision making in respect of this new reserve. Cabinet could retain full decision making control over the reserve or they could allocate funds by priority area and delegate decisions making to officers in consultation with cabinet members or indeed to cabinet members via formal decision making meetings.
- 2.3. At this stage officers propose that any funding decisions are retained by Cabinet although Cabinet may wish to consider a limited delegation to officers in consultation with cabinet members to a limited budget amount.

3. INITIAL FUNDING REQUEST – ELECTRIC STREET SWEEPERS

- 3.1. The Council published its Carbon Action Plan in October 2020 as a pathway to achieving its 2030 carbon-neutral commitment. Included within this “Priorities for Action” under “Vehicle fleet, machinery and transport” include:

“Work in partnership with UBICO to produce and present a Green Vehicle Fleet Transition Plan for the electrification of vehicle fleet over the course of a carbon-neutral trajectory. A transition plan would need to include details of the current lifetime of vehicles within the Council’s fleet and also reflect need as determined by decisions taken following an options appraisal.
- 3.2. Whilst work continues on a full transition plan which can be considered later in the year there is a more urgent decision to be made in respect of two end of life sweepers which need a procurement decision imminently.
- 3.3. It is proposed that the two current diesel combustion sweepers which are used for cleansing in Chipping Norton and Woodstock and which are at the end of their life and needing replacement, should be replaced with two electric sweepers and an additional capital budget of up to £75,000 should be provided to enable this purchase.
- 3.4. The £75,000 would be on top of the £150,000 (£75,000 each) already budgeted for within the fleet replacement plan. Replacing them with electric equivalents would not only benefit in a reduction in carbon emissions, but would also help to improve air quality in Chipping Norton and Woodstock.

4. FINANCIAL IMPLICATIONS

Council approved the allocation of £750,000 of funding for new initiatives that meet the emerging Council Priorities. If Cabinet approve the request within this report a balance of £675,000 will remain for future allocation.

5. LEGAL IMPLICATIONS

None associated with this report.

6. RISK ASSESSMENT

The risks associated with not replacing the current sweepers are higher repair costs and increased downtime leading to a poorer service being provided.

7. EQUALITIES IMPACT

None associated with this report.

8. CLIMATE CHANGE IMPLICATIONS

The Council is committed to reducing the carbon produced associated with the services it provides and so this acquisition will contribute towards supporting that pledge.

9. ALTERNATIVE OPTIONS

As alternative options, the Council could choose to:

- Continue using the current sweepers, accepting that they are at end of life and so use older engine technology with higher emissions and are prone to increased breakdowns and higher repair costs.
- Replace the current sweepers with diesel combustion versions (like for like), which whilst having the latest engine technology, being more efficient and fitting within the capital budget provision for 2022-23, will still generate carbon emissions.

10. BACKGROUND PAPERS

None