

# Public Document Pack



Tuesday, 13 June 2023

Tel: 01993 861000

e-mail - [democratic.services@westoxon.gov.uk](mailto:democratic.services@westoxon.gov.uk)

## EXECUTIVE

You are summoned to a meeting of the Executive which will be held in the Council Chamber, Woodgreen, Witney OX28 1NB on **Wednesday, 21 June 2023 at 2.00 pm.**



Giles Hughes  
Chief Executive

To: Members of the Executive

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

Recording of Proceedings – The law allows the public proceedings of Council, Executive, 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.

# AGENDA

1. **Apologies for Absence**  
To receive any apologies for absence from Members of the Executive.
2. **Declarations of Interest**  
To receive any declarations of interest from Members of the Executive, on any items to be considered at the meeting.
3. **Minutes of Previous Meeting (Pages 7 - 12)**  
To approve the minutes of the previous meeting, held on Wednesday 19 April 2023.
4. **Participation of the Public**  
Any member of the public, who is a registered elector in the District, is eligible to ask one question at the meeting, for up to three minutes, of the Leader of the Council, or any Member of the Executive on any issue that affects the district or its people.  
Notice, together with a written copy of the question, must be provided to Democratic Services, either by email to:

[democratic.services@westoxon.gov.uk](mailto:democratic.services@westoxon.gov.uk)

or by post to:

Democratic Services, West Oxfordshire District Council, Woodgreen, Witney OX28 1NB.

Questions are to be received no later than 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). A response may be provided at the meeting, or within three clear working days of the meeting.

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 appropriate Executive 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**  
To receive any announcements from the Leader of the Council or Members of the Executive.
6. **Transfer of Playing Areas to Witney Town Council (Pages 13 - 24)**  
Purpose:  
There are a number of Playing Areas which are in the ownership of WODC. For a number of years WODC have been working on progressing with the transfer of ownership to Witney Town Council.

This paper outlines the proposals to transfer the Playing Areas from WODC to Witney Town Council and seeks Executive to Approve / Agree to these the recommendations.

Recommendations:

That the Executive resolves to:

- a) Approve / Agree to the proposals outlined in the paper to transfer the Playing Areas from WODC to Witney Town Council.
- b) Delegate authority to the Deputy Chief Executive, Section 151 Officer in consultation with the Executive member for Finance and the Executive member for Stronger Healthy Communities to agree the final Heads of Terms for each transfer.

7. **Development Management Improvement Programme (Pages 25 - 54)**

Purpose:

To update progress against Phases I and II of the DM Improvement Programme and make recommendations for further improvements (Phase III), following the Planning Advisory Service Report.

Recommendations:

That the Executive resolves to:

- a) Note the improvement progress to date, and
- b) Approve the changes detailed in paragraph 4.1

8. **Chipping Norton Leisure Centre Roof Repairs (Pages 55 - 84)**

Purpose:

To request approval to repair the Chipping Norton Leisure Centre roof.

Recommendations:

That the Executive resolves to:

- a) approve the repair works required, as detailed in the report
- b) recommend that the authority to approve the final budget to cover the repair cost is delegated to the Assistant Director of Property & Regeneration (Publica) in consultation with the Chief Finance Officer and the Executive Member for Finance

9. **Developer Contributions Supplementary Planning Document (SPD) (Pages 85 - 288)**

Purpose:

To consider the final version of the West Oxfordshire District Council Developer Contributions Supplementary Planning Document (SPD) and to recommend to Council that it be formally adopted.

Recommendations:

That the Executive resolves to:

- a) Note the contents of the report; and
- b) That subject to any amendments the Executive may wish to make, that Council be invited to formally adopt the final version of the West Oxfordshire District Council Developer Contributions Supplementary Planning Document (SPD).

10. **Council Chamber Refit Design and Procurement of Contractors (Pages 289 - 300)**

Purpose:

To seek agreement for the Chamber refit design and associated costs, and to proceed with the procurement of contractors via an open tender process.

Recommendations:

That Executive resolves to:

- a) Agree to the Chamber design as proposed by the Agile Steering Group.
- b) Agree to proceed to the contractor procurement phase.

11. **Approval of Award of Contract for External Printing and Postage (Hybrid Mail) (Pages 301 - 306)**

Purpose:

To consider the result of a procurement exercise to award a new contract for the provision of external printing and postage for the Council and its partners

Recommendation:

That Executive resolves to:

- a) Award the contract for external printing and postage from 1 August 2023 to 1 May for a period of 3 plus 1 year

12. **Matters raised by Overview and Scrutiny or Audit and Governance (Pages 307 - 316)**

Purpose:

To consider recommendations from the Climate and Environment Overview and Scrutiny Committee, 23 March 2023.

Recommendations:

That the Executive agrees its response to the following recommendations from Overview and Scrutiny:

- a) That Officers include, within the current review of the Local Plan, specific policies in respect of Swift Nesting Sites, as per the motion (see attachment Annex A).
- b) That Officers include, within the current review of the Local Plan, specific policies in respect of Development Grampian Conditions, as per motion (see attachment Annex B).

13. **Exclusion of Press and Public**

If the Executive wishes to exclude the press and public from the meeting, during consideration of any of the items on the exempt from publication part of the agenda, it will be necessary for the Executive to pass a resolution in accordance with the provisions of the Paragraph 4(2)(b) of the Local Authorities (Executive Arrangements) Access to Information) (England) Regulations 2012 on the grounds that their presence could involve the likely disclosure of exempt information as described in specific paragraphs of Schedule 12A of the Local Government Act 1972.

14. **Disposal and Development of land at Walterbush Road, Chipping Norton, for custom build zero carbon homes. (Pages 317 - 332)**

Purpose:

To agree a delivery approach for the development of homes at Walterbush Road.

Recommendations:

That the Executive resolves to:

- a) Agree to cease the relationship with the current proposed developer.

- b) Seek formal Expressions of Interest on the site for a development which as a minimum delivers affordable homes but also encourages net carbon zero and self build proposals.
- c) Delegate to the Chief Finance Officer, in consultation with the Executive Member for Finance, the decision to proceed with cable diversion and award a contract. The preference is to undertake this work once a new delivery partner is appointed. However, if delays will result in funding being lost then the decision may be taken to proceed with cable diversion as a stand alone piece of work subject to £78,000 One Public Estate funding still being available and competitive tenders for this work being obtained. Work to be funded by S.106 funding as previously agreed.

15. **Letting at Marriott's Walk Witney (Pages 333 - 380)**

Purpose:

To request approval for a lease as set out in the report and to recommend to Council a new process to approve transactions at Marriotts Walk in the interests of commercial efficiency.

Recommendations:

That the Executive resolves to:

- a) approve the grant to lease at Marriotts Walk on the terms detailed in the report;
- b) recommend that Council amend the delegation arrangements to give authority to the Chief Finance Officer in consultation with the members of the Capital Programme Investment Board to approve future lettings at Marriotts Walk.

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## WEST OXFORDSHIRE DISTRICT COUNCIL

Minutes of the meeting of the  
**Executive**

Held in the Council Chamber, Woodgreen, Witney OX28 1NB at 2.00 pm on  
**Wednesday, 19 April 2023**

### PRESENT

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

Officers: Giles Hughes (Chief Executive), Frank Wilson (Executive Finance Director - Publica), Beth Boughton (Managing Director, Ubico), Chris Urwin (Finance Director, Ubico), Mandy Fathers, (Business Manager, Environmental, Welfare and Revenue Services), Philip Measures (Service Leader, Environmental Health), Max Thompson (Senior Democratic Services Officer), Maria Harper (Democratic Services Officer), Anne Learmonth (Democratic Services Officer), Michelle Ouzman (Democratic Services Officer), Barry Clack (Communications Officer), and Richard Jones (ICT Infrastructure Engineer).

Other Councillors in attendance: Councillor Michele Mead and Councillor Norman MacRae MBE.

#### **28 Apologies for Absence**

There were no apologies for absence received by Members of the Executive.

#### **29 Declarations of Interest**

There were no Declarations of Interest made by Members of the Executive.

#### **30 Minutes of Previous Meeting**

Councillor Norman MacRae MBE rose on a point of order (15.14, Questions Previously Asked) to state that he had not received a response in order to a point made at the previous meeting regarding waste collections vehicles and inclement weather. Councillor Arciszewska further committed to instructing the appropriate officer to write to Councillor MacRae regarding the matter.

The minutes of the previous meeting, held on Wednesday 8 March 2023, were unanimously approved by the Executive, and signed by Councillor Andy Graham, Leader of the Council, as a true and accurate record.

#### **31 Receipt of Announcements**

The Leader of the Council, Councillor Andy Graham, reminded those in attendance that the meeting was the last meeting of the Executive in the municipal year. Councillor Graham gave thanks to Executive Members and all Council Officers for all their hard work over the course of the municipal year, and that the Executive appreciated all efforts to support them during their time in office.

The Leader also paid tribute to Councillor Norman MacRae MBE, who was scheduled to stand down at the next round of local elections. Councillor Graham thanked Councillor MacRae for his stellar 16-years of service to West Oxfordshire District Council, and for his valued contribution during his time in office.

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The Leader also paid tribute to the work of the Council's Democratic Services Team during the Executive's time in office, and for all their continuing hard work in support of both the Executive and the Council. Councillor Graham thanked the team for regularly going above and beyond the call of duty, to ensure that meetings were facilitated in the best fashion, and that the previous 12 months had been a real challenge at times, noting further the efforts the team had gone to, to come out the other side in the highest regard.

## **32 Participation of the Public**

The Leader of the Council, Councillor Andy Graham, stated that the Executive had received 4 public questions, submitted to them through Democratic Services in advance of the meeting.

The Executive provided the following answers to the following questions:

**Q1** Asked by Mr. Rupert Boulting:

What course of action is the Council going to take, in order to prevent the continual dumping of raw sewage into the River Isis?

**A1** Answered by Councillor Lidia Arciszewska, Executive Member for the Environment:

Whilst we recognise that at present there are legislation constraints, it does not follow that significant steps through deeper and more expansive partnership actions cannot make a difference. Indeed levers of influence play a part in achieving many of our goals.

We have been actively working with Thames Water over a number of months to not only gain a greater insight into how they run their Sewage Treatment Works, but also to identify areas where capacity isn't meeting current / future levels of demand, and pushing for investment in these as well as improvements in the overall network in both the short and long term.

We have also been lobbying the Government, writing to the Secretary of State pushing for changes in legislation and legal sanctions on water companies that pollute our rivers and water courses along with asking that the Environment Agency is properly resourced so that they can proactively protect our rivers.

**Q2** Asked by Councillor Norman MacRae MBE:

There has been much talk with regard to the state of the maintenance of the play area at the Kilkenny Lane Country Park, and that much of the equipment is unavailable for use. When is the projected date for the play area to be restored to 100% availability?

**A2** Answered by Councillor Joy Aitman, Executive Member for Stronger, Healthy Communities:

We are currently working with the Oxfordshire Playing Field Association (OPFA), following a site meeting with local Councillors. The OPFA met with a contractor/supplier on site in the last few days and we are due to receive a costed proposal for the repair works as agreed.

Once we have obtained the costs and ascertained the timeline we will be able to be more specific, however, at this moment in time, we are projecting that the unavailable equipment will be open and ready for use in early Summer.

We will keep local Councillors abreast of any further developments related to Kilkenny Lane Country Park Play Area as and when we know more details for certain.



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**Q3** Asked by Councillor Norman MacRae MBE:

There appears to be an ever increasing use of the grass verges and land that the Council owns in the housing estates (e.g. Madley Park and Shilton Park) – The result of this being that many of the verges have been turned into very unsightly 'mud baths' when we are spending significant sums on enhancing these verges with the excellent 'wild flowering' initiative. What plans, if any, are in place to ensure that our verges are protected and that the wild flowering scheme can thrive?

**A3** Answered by Councillor Lidia Arciszewska, Executive Member for the Environment:

The wildflower verges are generally set back from the road due to visibility constraints. We put stakes along some of the verges in Shilton Park last year to stop parking on the wildflower areas. This could be repeated elsewhere where we become aware of issues.

**Q4** Asked by Councillor Norman MacRae MBE:

Our In-Cab technology has many built in systems to support and develop our waste collection service. Visiting any part of the District on 'bin day', it is clear to see that many of the bins continue to 'suffer' from lid failures. Is there a facility within the In-Cab system that would enable crews to report the fault online and thus, potentially, enhance the streamline the program for the benefit of our residents; It may be the case that the facility is installed but is not being used; or it may be that we have not purchased this option (obviously should it be available). What exactly is the answer to these points please?

**A4** Answered by Councillor Lidia Arciszewska, Executive Member for the Environment:

There is not a facility for recording of lid failures or damaged containers on the In-Cab system. Replacement lids for recycling bins, or replacement food waste caddies can be ordered through the Council website, or reported via Customer Services. As Councillor MacRae knows, the Council is currently undertaking a waste service review, and this will include ensuring residents' needs are at the heart of the review.

**33**

### **Ubico Business Plan 2023/2024**

Councillor Lidia Arciszewska, Executive Member for the Environment, introduced the report, which considered the Ubico Business Plan for 2023-24, and any comments made by the Finance and Management Overview and Scrutiny Committee, and also the Environment Overview and Scrutiny Committee on the draft Business Plan. The report further recommended that the Leader of the Council (as Shareholder Representative) approved the plan, subject to any comments the Executive wished to make and those made by other Shareholder Councils.

The Executive was joined at the meeting by Beth Boughton, Managing Director of Ubico, and Chris Urwin, Finance Director of Ubico, who had helped present the plan to the Executive for approval. Councillor Arciszewska highlighted the effectiveness of Ubico's Business Plan, and the strengths of it that relate to the West Oxfordshire District ahead of the new municipal year. The plan focussed on continuous development, service improvements and provisions for staff and stakeholders of Ubico.

In debate, the Executive paid tribute to Ubico's workforce who had gone above and beyond their duties during the Covid-19 pandemic, and at times of a shortfall in staffing levels at times of general illness. Appreciation was also given to the work of Council and Ubico officers when dealing with the initial backlog of suspended waste collections, during the first Covid-19 lockdown period, and the rectification work undertaken to catch up. The idea of an updated

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livery of the waste vehicles was also discussed and the enhancement of 'In-Cab' technology for waste bins and containers that become unserviceable during routine collections over time. It was also noted that there were many benefits of being structured as a "Teckal" company owned by a number of partner authorities. This helped to alleviate 'cross-border' issues with other local authorities in Gloucestershire, who are also using Ubico services for waste collection.

Councillor Arciszewska proposed that the Ubico Business Plan be adopted by the Leader of the Council. This was seconded by Councillor Andy Graham, was put to a vote, and was agreed unanimously by the Executive.

Executive **Resolved** to:

1. Recommend that, subject to any comments made, the Ubico Business Plan 2023-24 be approved by the Leader, as the Council's Shareholder Representative of Ubico Limited, subject to any minor amendments that might arise from the final stages of consultation with the other Shareholder Councils and/or general editing.

#### **34 West Oxfordshire Local Plan 2041**

Councillor Carl Rylett, Executive Member for Planning and Sustainable Development, introduced the report, which summarised the outcome of the 'Your Voice Counts' Council Plan/Local Plan public consultation, which ran from 24 August – 5 October 2022 and proposed to agree a new timetable for taking the Local Plan through to submission and adoption.

In debate, it was noted that the Local Development Scheme (LDS) highlighted that work on the Salt Cross Area Action Plan was unlikely to happen in July 2023. The Executive also paid tribute to the responses and consultation work that had been undertaken as part of the consultation, and face-to-face engagement during the process despite a perceived low take up in comparison to the total number of residents in the District. Bar charts which were contained within the report to the Executive were intended to show the scale of response connected to the consultations that had been carried out.

Councillor Rylett proposed that the Executive note the report, and agree to approve the updated LDS. This was seconded by Councillor Andy Graham, was put to a vote, and was agreed unanimously by the Executive.

Executive **Resolved** to:

1. Note the content of the report;
2. Agree to approve the updated Local Development Scheme (LDS).

#### **35 Discretionary Council Tax Support Fund**

Councillor Dan Levy, Executive Member for Finance, introduced the report, which recommended adoption of the Discretionary Council Tax Support Fund for 2023/2024.

In debate, it was noted that the Business Manager for Environmental, Welfare and Revenue Services had produced an excellent report for consideration by the Executive, and that Members were grateful for her work in bringing the report forward for consideration at the meeting. It was highlighted that any excess funds from the Support Fund, would be returned to central Government. Members were keen to ensure that the allocation received by the Council was spent accordingly and appropriately.

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Councillor Levy proposed that the Executive approve the recommendation in the report, which included a delegation as well as adoption. This was seconded by Councillor Andy Graham, was put to a vote, and was agreed unanimously by the Executive.

Executive **Resolved** to:

1. Approve a payment of £55 as detailed in paragraphs 3.3 and 3.4 of the Executive report;
2. Delegate the distribution of surplus funds to the Chief Finance Officer in consultation with the Executive Member for Finance.

### **36 Integrated Care Strategy for Buckinghamshire, Oxfordshire and Berkshire West (BOB ICS)**

Councillor Joy Aitman, Executive Member for Stronger, Healthy Communities, introduced the report, which presented the new Integrated Care Strategy for Buckinghamshire, Oxfordshire and Berkshire West (BOB) and resolved to seek endorsement by the Executive.

In debate, it was highlighted that the report on the strategy did not include any provision for the mental health and well-being of those who are serving, and had served in His Majesty's Armed Forces. Attention was drawn to the provision that service personnel receive whilst they are serving in the military, and that the 'blanket of care' is taken away when leaving HM Armed Forces. This was of particular importance as the Council had signed up to the Armed Forces Covenant.

It was further noted that the strategy also did not take Prostate Cancer into account, and that this is a well-known, often overlooked killer of men within society. Reassurance was given that this was noted generally, as a result of an extensive list of illnesses not being included.

Councillor Aitman proposed endorsement of the new Integrated Care Strategy for Buckinghamshire, Oxfordshire and Berkshire West (BOB ICS). This was seconded by Councillor Mathew Parkinson, was put to a vote, and was agreed unanimously by the Executive.

Executive **Resolved** to:

1. Endorse the Integrated Care Strategy for Buckinghamshire, Oxfordshire and Berkshire West (BOB ICS).

### **37 Contracted Environmental Health Out of Hours Service**

Councillor Lidia Arciszewska, Executive Member for the Environment, introduced the report, which proposed to end the contract for the Out of Hours Environmental Health Service.

Councillor Andrew Prosser confirmed that he was happy to second the proposal, and thanked the officers who had worked to support the Out of Hours service ahead of its proposed termination.

Councillor Arciszewska proposed that the contract for the Out of Hours Environmental Health Service be terminated. This was seconded by Councillor Prosser, was put to a vote, and was agreed unanimously by the Executive.

Executive **Resolved** to:

1. End the current contracted out of hour's service.

### **38 Consideration of Local Authority Housing Fund Application**

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Councillor Geoff Saul, Executive Member for Housing and Social Welfare, introduced the report, which confirmed the preferred method of delivery, of up to sixteen new affordable homes, utilising the Local Authority Housing Fund Allocation, previously approved by the Executive on 8 February 2023.

Councillor Saul proposed that the Executive approve the recommendations in the report, which included confirming the preferred method of affordable housing delivery. This was seconded by Councillor Andy Graham, was put to a vote, and was agreed unanimously by the Executive.

Executive **Resolved** to:

1. Accept the proposal from Cottsway Housing to fulfil the requirements of the Local Authority Housing Fund on behalf of the Council in respect of the delivery of 16 additional affordable homes;
2. Passport the funding received by the Council to Cottsway Housing underpinned by a funding agreement setting out the relevant grant terms;
3. Request the Chief Executive to establish a regular strategic forum to allow the Executive Member for Housing to improve the strategic engagement with our largest Registered Social Landlord in the district. Requests officers to update the Executive on a regular basis on progress against delivery of these homes and subsequent use for other housing purposes.

### **39 Recommendations from Overview and Scrutiny Committees**

Councillor Mathew Parkinson, Executive Member for Customer Delivery, introduced the agenda item to consider recommendations from the Council's Overview and Scrutiny Committees.


Councillor Parkinson proposed that the Executive accept the recommendations made by the Council's Overview and Scrutiny Committees, to further thank the Committees for their recommendations, and instruct Officers to take these recommendations into account, when drafting the relevant future reports. This was seconded by Councillor Carl Rylett, was put to a vote, and was agreed unanimously by the Executive.

Executive **Resolved** to:

1. Accept the Recommendations from Overview and Scrutiny Committees;
  - a) That officers include within the current review of the Local Plan specific policies in respect of Public Houses – Future after Closure taking account of specific conditions pertaining at the time a Public House closes such as a sequential test or alternate community use.
  - b) That the title of the Equality, Diversity & Inclusion Policy is amended to Equity, Diversity & Inclusion Policy.
2. Thank the Committees for their recommendations, and instruct Officers to take these recommendations into account when drafting the relevant future reports.

The Meeting closed at 2.40 pm

CHAIR

 <p><b>WEST OXFORDSHIRE DISTRICT COUNCIL</b></p>	<p><b>WEST OXFORDSHIRE DISTRICT COUNCIL</b></p>
<p>Name and date of Committee</p>	<p><b>EXECUTIVE – 21 JUNE 2023</b></p>
<p>Subject</p>	<p><b>TRANSFER OF PLAYING AREAS TO WITNEY TOWN COUNCIL</b></p>
<p>Wards affected</p>	<p>All Witney Wards</p>
<p>Accountable member</p>	<p>Cllr Joy Aitman, Executive Member - Stronger Healthy Communities Email: <a href="mailto:joy.aitman@westoxon.gov.uk">joy.aitman@westoxon.gov.uk</a></p> <p>Cllr Dan Levy, Executive Member - Finance Email: <a href="mailto:dan.levy@westoxon.gov.uk">dan.levy@westoxon.gov.uk</a></p>
<p>Accountable officer</p>	<p>Andrew Turner, Business Manager Assets &amp; Council Priorities Email: <a href="mailto:andrew.turner@publicagroup.uk">andrew.turner@publicagroup.uk</a></p>
<p>Report author</p>	<p>Barry Bodin-Jones; Senior Project Manager Email: <a href="mailto:barry.bodin-jones@publicagroup.uk">barry.bodin-jones@publicagroup.uk</a></p> <p>Suzanne Barton; Senior Estates Officer Email: <a href="mailto:suzanne.barton@publicagroup.uk">suzanne.barton@publicagroup.uk</a></p>
<p>Summary/Purpose</p>	<p>There are a number of Playing Areas which are in the ownership of WODC. For a number of years WODC have been working on progressing with the transfer of ownership to Witney Town Council.</p> <p>This paper outlines the proposals to transfer the Playing Areas from WODC to Witney Town Council and seeks Executive to Approve / Agree to these the recommendations.</p>
<p>Annexes</p>	<p>Annex A – Cedar Drive Play Area Annex B – Waterford Lane, Madley Park Annex C - Raleigh Crescent Play Area</p>

Recommendation(s)	<p>That the Executive resolves to:</p> <p><i>a) Approve / Agree to the proposals outlined in the paper to transfer the Playing Areas from WODC to Witney Town Council.</i></p> <p><i>b) Delegate authority to the Deputy Chief Executive, Section 151 Officer WODC, in consultation with the Executive member Finance and the Executive member Stronger Healthy Communities to agree the final Heads of Terms for each transfer.</i></p>
Corporate priorities	<ul style="list-style-type: none"> <li>● Putting Residents First</li> <li>● Working Together for West Oxfordshire</li> </ul>
Key Decision	<p>NO</p> <ul style="list-style-type: none"> <li>● Cedar Drive Play Area - Deminimus value due to restrictive covenants on title</li> <li>● Waterford Lane, Madley Park - Deminimus value due to restrictive covenants on title</li> <li>● Ralegh Crescent Play Area - Deminimus value due to restrictive covenants on title</li> </ul>
Exempt	NO
Consultees/ Consultation	<p>Consultation has taken place with Witney Town Council and they are happy with the proposed approach.</p> <p>Internal consultation has taken place with Assistant Directors for Commercial Development and Property &amp; Regeneration as well as Property Maintenance, Ubico and Strategic Project Lead in the Leisure Team.</p> <p>Ward Members will be consulted at the point at which the Playing Areas are transferred to the Town Council. The transfer poses no negative or damaging effects to the residents of Witney.</p>

## **I. BACKGROUND**

- 1.1 There are a number of Playing Areas which are in the ownership of WODC. For a number of years WODC have been working on progressing with the transfer of ownership to Witney Town Council. In turn, this means that WODC will no longer be responsible for the maintenance and upkeep of these facilities and there will be no negative impact on the residents of Witney as the provision of these play areas will fall under the remit of their Town Council.
- 1.2 In some instances the Playing Areas have fallen into a state of disrepair and the proposal is that allocated S106 monies are utilised to ensure that the Playing Areas and associated equipment are updated and are in line with the required safety standards and regulations.
- 1.3 The Previous WODC Cabinet Members approved the transfer of Unterhaching Park from WODC to Witney Town Council ownership and this paper outlines the intended next stage of the Playing Areas transfer proposals.

## **2. MAIN POINTS**

Details below have been outlined in relation to the Playing Areas in question:

### **2.1 Cedar Drive Play Area**

The Play Area forms part of the Playing Fields on land adjoining Madley Brook and Springfield Integrated Primary School, Woodstock Road Park, Witney. For clarity, this is just the Play Area as indicated on the highlighted aspect of the drawing as outlined in red in Annex A.

The intention is to lease the Play Area for a period of 25 years or until 21st December 2029 as per various covenants on site. Following the long term lease period it is proposed that a land transfer will take place. Draft Heads of Terms (HoT) are to be agreed with Witney Town Council. For the Play Area in question, as this is a lease, we already have delegated authority to the Interim Head of Legal Services to sign this long term lease without Executive input.

### **2.2 Waterford Lane, Madley Park**

The Play Area forms part of the land Waterford Road, Madley Park, Witney. This is indicated by a pin point on the map in Annex B.

The intention is that WODC will use S106 funding to bring the play area up to a good standard of repair. It is requested that approval is gained from the Executive to seek delegated authority so that these aspects can be finalised accordingly and correct monies allocated to undertake the repairs.

Draft Heads of Terms (HoT) are to be agreed with Witney Town Council, which will lead to finalising agreements in order to transfer the Freehold to Witney Town Council.

### **2.3 Raleigh Crescent Play Area**

The Play Area forms part of the land at Raleigh Crescent, Witney as indicated on the map in Annex C.

The proposal is that WODC will transfer to Witney Town Council with commitment for the development of a Multi Use Game Area (MUGA) using S106 Funding in relation to Windrush Place. It is proposed to pursue the transfer of the play area prior to the playing field should the MUGA take further time to plan and develop. This would ensure the play area is transferred and managed by Witney Town Council at the earliest opportunity.

It is requested that approval is gained from the Executive to seek delegated authority so that these aspects can be finalised accordingly and correct monies allocated to undertake the future development.

Draft Heads of Terms (HoT) are to be agreed with Witney Town Council, which will lead to finalising agreements in order to transfer the Freehold to Witney Town Council. The Draft HoT, will seek agreement from S151 Officer WODC for Maintenance Contribution Costs. The HoT will also include £75k for works already undertaken by Witney Town Council for recent upgrades to the Play Area.

It is intended that the MUGA work is to be Project Managed by Project Officer at Witney Town Council with input and guidance from Rachel Biles (Strategic Project Lead, WODC Leisure Team) and Oxfordshire Playing Fields Association.

## **3. ALTERNATIVE OPTIONS**

- 3.1 The alternative option is that the Playing Areas remain under the ownership of WODC, resulting in ongoing repair, maintenance and development of these facilities for the wider community of Witney.
- 3.2 This would have budget implications in terms of annual ongoing operational costs.

## **4. CONCLUSIONS**

- 4.1 The paper proposes a reduction in future costs for WODC. It is preferable to all parties that the Play Areas in question come under local management arrangements.
- 4.2 It is recommended therefore that the Executive approve / agree to the proposals outlined in the paper to transfer the Playing Areas from WODC to Witney Town Council.
- 4.3 It is requested that delegated authority is given to Elizabeth Griffiths, Section 151 Officer WODC, in consultation with Dan Levy Executive member Finance and Joy Aitman Executive member Stronger Healthy Communities to agree the final Heads of Terms for each transfer.



## **5. FINANCIAL IMPLICATIONS**

- 5.1 The key financial implications are related to relevant use of S106 fundings for improvements to the Play Areas as indicated in the paper prior to the transfer to Witney Town Council.
- 5.2 There is a £75k payment which is associated with Raleigh Crescent Play Area for completed associated works that WODC will need to include as part of the transfer to Witney Town Council.
- 5.3 The Net Book Value of the Play Area at each location will be taken into account.
- 5.4 Significant ongoing cost reduction will be gained as a result of the transfer of these Play Areas to Witney Town Council in terms of maintenance and repairs.

## **6. LEGAL IMPLICATIONS**

- 6.1 The Legal Team will work with Property Services in terms of drafting the appropriate leases or transfer documents. The sites will be restricted for play areas only and not for any other use.
- 6.2 The Council has the power within the Local Government Act 1972: General Disposal Consent (England) 2003, which considers the sale of land for less than best consideration to dispose of any asset at less than best consideration, without the requirement for approval from the Secretary of State, at up to £2 million below open market value if it can justify the undervalue by the virtue of other benefits either social, environmental or economic.

This proposed transfer is justified in two ways:

- (i) (a) the benefit of local management and other benefits as detailed in the report;
- (ii) (b) the fact that the use of the land is restricted and therefore the value is restricted. Any removal of this restriction in the future would require payment of a premium to the Council

The play areas within this report do contain restrictions on registered title and therefore may need to be advertised under s123 of the Local Government Act 1972.

## **7. RISK ASSESSMENT**

- 7.1 There are no major or significant risks to any of the proposals indicated within this paper.
- 7.2 The transfer of Play Areas from WODC to Witney Town Council will not pose any negative impact to the residents of Witney.
- 7.3 The principal decisions requested in this paper will help in future ongoing cost reduction for WODC.

## **8. EQUALITIES IMPACT**

- 8.1 The recommendations pose no negative inequalities impact.

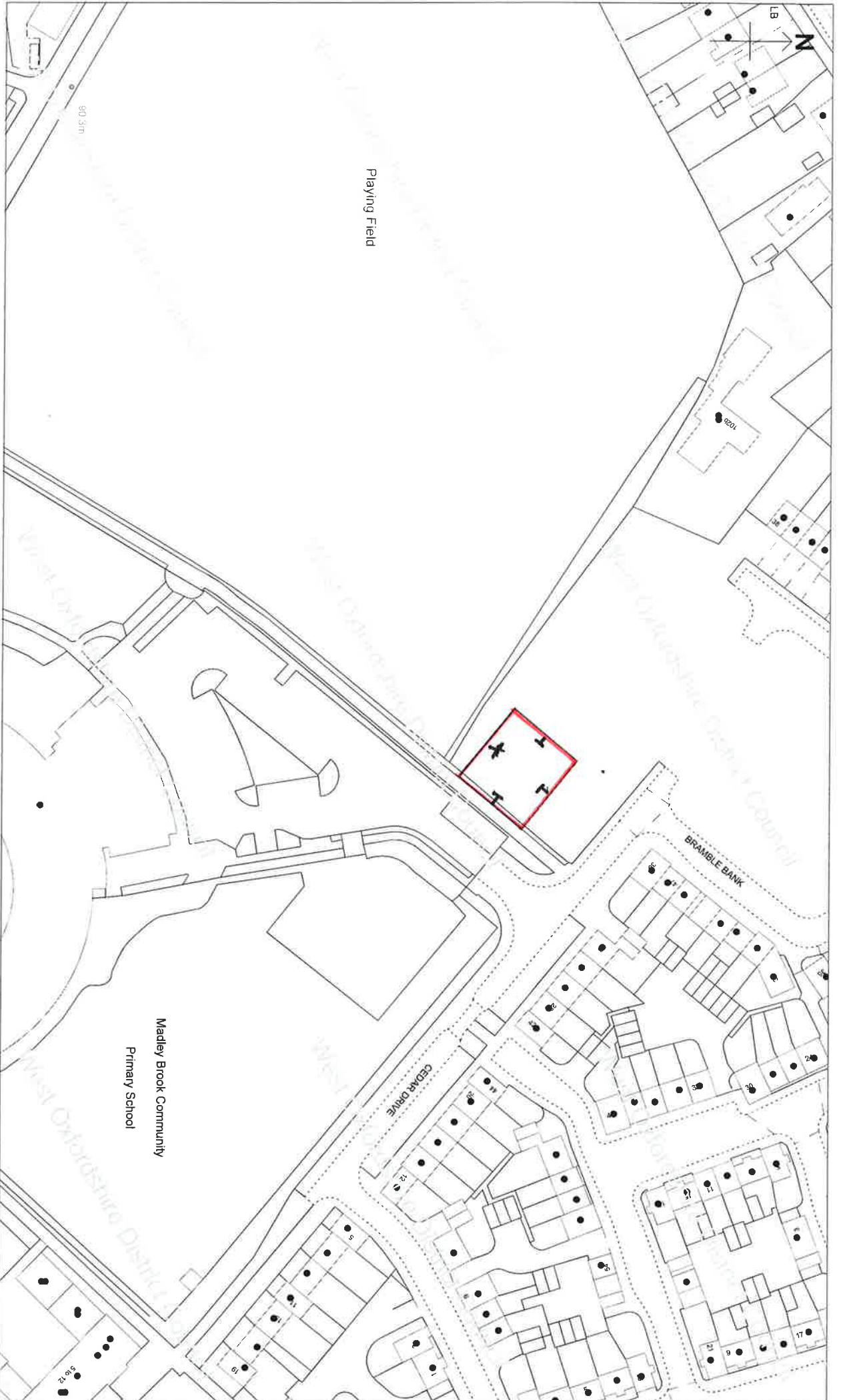
**9. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS**

9.1 None.

**10. BACKGROUND PAPERS**

10.1 None.

(END)



WEST OXFORDSHIRE  
DISTRICT COUNCIL

West Oxfordshire District Council  
Woodgreen  
Witney  
Oxfordshire  
OX28 1NB  
Tel: 01993 861000  
Fax: 01993 861050  
www.westoxon.gov.uk

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Map Title:	Play Area Cedar Drive Witney
Date:	18:06:14
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 WEST OXFORDSHIRE DISTRICT COUNCIL	<b>WEST OXFORDSHIRE DISTRICT COUNCIL</b>
Name and date of Committee	<b>EXECUTIVE – 21 JUNE 2023</b>
Subject	<b>DEVELOPMENT MANAGEMENT IMPROVEMENT PROGRAMME</b>
Wards affected	All
Accountable member	Cllr Carl Rylett - Executive Member for Planning and Sustainable Development Email: Carl.Rylett@westoxon.gov.uk
Accountable officer and Report Author	Phil Shaw – Business Manager for Development and Sustainability Email: Phil.Shaw@publicagroup.uk
Summary/Purpose	To update progress against Phases I and II of the DM Improvement Programme and make recommendations for further improvements (Phase III), following the Planning Advisory Service Report.
Annexes	Annex A – Enforcement ‘Harm’ Checklist Annex B - Planning Advisory Service Report Annex C – Consultation Protocol Annex D – Negotiation Protocol
Recommendation(s)	That the Executive resolves to: <i>a) Note the improvement progress to date, and</i> <i>b) Approve the changes detailed in paragraph 4.1</i>
Corporate priorities	Delivering excellent modern services whilst ensuring the financial sustainability of the Council.
Key Decision	NO
Exempt	NO
Consultees/ Consultation	Officers, and a representative of the Planning Advisory Service, met with the Planning Committee Chairs and Vice Chairs.

## I. BACKGROUND

- I.1 The Development Management Service has had a challenging time over the last few years. The Pandemic brought about an unanticipated surge in demand which resulted in substantially higher workloads and a much more competitive recruitment market. The Pandemic also restricted working processes, with (at times) 100% home-working and restrictions around meetings and site visits.
- I.2 Locally, these Pandemic related challenges were exacerbated by issues around retention, recruitment, validation backlogs and a lack of accurate data around which performance management mechanisms could operate. This in turn led to customer contact /feedback issues as staff prioritised throughput/backlog reduction over customer focus.
- I.3 Accordingly, an Improvement Programme was initiated in January 2021, with the aim of addressing the fundamental issues. As a result, over the last 2 years the Service has:
  1. Added additional capacity. We added two Career Grade Planner posts at each site and added two areas of flexibility to all the new contracts. The first flexibility was the ability to move expertise around based on local needs and the second was flexibility around specialisms, so that we could generically train/utilise officers between DM/Enforcement/Forward Planning functions etc., to better meet the needs of the Councils and their customers,
  2. Introduced Career Grades with salary progression based on the attainment of experience, qualifications and value to the organisation,
  3. Improved, and localised, the recruitment process to reflect the significant advantages of being a Planner in this part of the Country,
  4. Made permanent appointments to Management roles to provide stability for the Teams and local points of contact for Members,
  5. Formed a Validation Shared Service team which added significant resilience and enabled us to cut our Validation timescales by around 60%,
  6. Introduced customer contact touchpoints that mean that we are much more proactively communicating. Initially this focussed on the front end of the process but is being rolled out at each stage of the process as our redesigns work through the various elements e.g. validation, assessment, report, enforcement etc. We also introduced the Enterprise (Workflow) System, so that we are able to monitor and performance manage these proactive communications,
  7. Created a series of data sets to seek to overcome the issue that the vast majority of existing data was backwards looking We continue to improve the quality, depth and frequency of our data sets, so managers have the adequate tools to manage their officers and overall performance, and
  8. Commissioned a review by the Planning Advisory Service (PAS) in recognition that these improvements were only Phase I of the journey.

- 1.4 As a result of these improvement actions the performance in relation to 'Minor' and 'Other' applications (making up 99% of all applications) has been on an improvement trend since July 2021, as shown in the following table:

WOD C	Q1 21/22	Q2 21/22	Q3 21/22	Q4 21/22	Q1 22/23	Q2 22/23	Q3 22/23	Q4 22/23
Minors	82.5%	63.00%	62.40%	63.80%	68.89%	69.71%	74.34%	79.18%
Others	81.8%	70.70%	71.20%	72.90%	67.74%	74.66%	78.33%	81.85%

The table shows the cumulative performance in each year (percentage of applications determined within 8 weeks or an agreed Extension of Time). There has been a marked and sustained improvement during the last year.

- 1.5 Over the last twelve months the DM Management Team have been closely monitoring the impact of the first phase of improvements, consulting Members and Teams on the next best steps in terms of improving the service and have received the results of the PAS Review mentioned in paragraph 1.3 (point 8). The result of these consultations was the formation of Phase II of the Improvement Programme. Phase II, the focus of this report, is still quite process/protocol orientated and is anticipated to be completed over the next few months.
- 1.6 Phase III of the Programme will be initiated during 2023/early 2024 and will focus on the digitalisation of the service and the implementation of a continuous programme of user research so that we can better understand the future needs of our service users. This will be complemented by sustainability measures such as succession planning, advancement of our officer development programme, further work on (and expansion of) our Career Grade approach, implementation of further shared working models where appropriate and 'in time' Data. The aim is to be providing a high quality, customer focussed and high performing service; that is sustainable and efficient.

## 2. MAIN POINTS

- 2.1 The PAS review focussed on Process and the brief we gave the Inspector was to give us their unbiased assessment of where we are and what we need to do to further improve; but also to sense-check the further improvements that we were already implementing or had planned to ensure that they were consistent with good practice across the country.
- 2.2 As a result of their findings and political feedback we have a revised we have created an Action Plan that sets the agenda for the next phase. The key improvement areas included in the Action Plan are detailed in section 3 whilst section 4 details further, proposed, improvement areas where we need Executive approval given the sensitivity/potential impact.
- 2.3 It is worth setting out that until this process started most of the improvement processes had been initiated and designed by the respective teams and that as a result they had considerable ownership of them but with the disadvantage that they were often too inward looking - focussing on the efficiency of the process as opposed to the outcome for the

customer. This programme of works has been undertaken by staff resources based within the Residents Services Group but with the Planners as clients/advisors as opposed to designers. This has already started to yield significant advantages in terms of the external oversight producing generic as opposed to site specific solutions which in turn aids resilience and efficiency. However it has sometimes meant challenging long held norms in terms of what was perceived as good customer care and as a result has necessitated quite a cultural change amongst the team; particularly amongst some of the longer serving staff. However the data collected is demonstrating that the improvements are working and there are far fewer customer complaints than were being received when the process was started. This is enabling that change in culture to be delivered/embedded. As with any substantial change programme there will of course be some parties who may consider themselves disadvantaged by things being done differently and clearly mistakes may be made as staff adapt to significantly different new ways of working. What needs to be noted is that if we are enabled to deliver the key outcomes that the change programme is driving at (essentially better customer service at less cost and with greater resilience) if errors are made in future we are all aware that they sit in the context of why the changes have been made and that we have the data to support the fact that the service is now clearly on a long term improving trend. The Planning Managers and the wider Resident Services Management Team continue to support officers through these changes.

### **3. AREAS ADDED TO THE ACTION PLAN**

- 3.1** The following items have been added to the Action Plan and are either in the process of being implemented or are scheduled in for implementation:
  - 3.1.1** Enforcement: Work is underway to cleanse the backlog of cases that are either now resolved or are considered not to be causing harm and have had no correspondence against them for more than two years. In order to improve the quality of enforcement referrals, a Web Form has been developed; which will help the complainant provide the necessary information and evidence at the first point of contact and help us to triage complaints more effectively
  - 3.1.2** Validation: A substantial piece of work has been done to create a Validation Checklist that captures those requirements common across the partnership but is bespoke as regards particular policy requirements. It has sought to move the agenda forward in terms of the information requirements that need to be submitted alongside applications in terms of biodiversity, climate change, energy efficiency, sewage disposal etc. As it is a digital document it also links to advice sections so as to enable the applicant to get it right first time and reduce the current (circa) 40% invalid applications which is a hidden cost to the Council in rectifying errors made by agents to enable the application to be registered and processed.
  - 3.1.3** Pre-Application Service: As an initial phase of the improvement programme the process whereby pre application advice is offered to potential applicants was remodelled. The core premise of this work was that much of the work in terms of drafting the letters and managing the caseload could be carried out at relatively junior and administration levels

but each 'caseworker' would have a planning officer to act as a 'consultant' in the drafting of the letter. Sign off would remain with more senior staff. In so doing we would release planners from the more admin/process elements of the task whilst retaining planner input and sign off to ensure quality. However the implementation of this new process was delayed in that the Covid restrictions coupled with the substantial increase in the volumes of planning applications meant there was insufficient resource to bring it in. Subsequently the priority has been to focus on the enforcement element of the service. However it is considered that the work mapped out remains valid and, now that caseloads are reducing back towards pre pandemic levels (approximately 10% higher still nationally), the opportunity will arise to revisit this work stream and realise the benefits that flow from it in terms of quicker responses, cheaper staff costs and a mechanism to support career development whereby more junior staff are exposed to some of the more complex cases but in the safer environment of Pre-App as opposed to live planning application status.

- 3.1.4 Invalid Applications:** We have created a process where the cause of the invalidation can be logged such that we can improve the pre application information we provide in order to seek to reduce the errors agents are making. We can also log invalid applications by agent which in turn will enable us to create an accredited agent list to seek to move customers towards agents who generally get it right as opposed to those who cause us unnecessary work in rectifying their errors.
- 3.1.5 Extensions of Time:** This is bringing about the single biggest improvement in performance. Government introduced a process whereby, if the applicant agreed, the timescale for determining an application could be extended beyond the statutory period but the application is still counted as being in time. This process was not, historically, widely used by this Council as it was seen as masking poor performance. However in contrast some authorities seek an extension of time at validation and so achieve 100% within time. Clearly when benchmarked against that approach operating without using them much or at all is going to make it very difficult to achieve anything other than bottom quartile performance. What we are seeking to do is to introduce a process whereby we are not penalised (ie. we ask for an EOT) for the delays caused by others (e.g. awaiting a key consultee, awaiting an ecology survey that can only take place next May, awaiting amended plans, to enable it to go to committee, at the applicants request, etc.) but to not promote it when the issue sits with us (e.g. Admin error, officer on leave etc.). In that way we will be operating on a much more level playing field with those who are gaming the process whilst not masking issues that sit with us to resolve. The really positive consequence of this approach is that customers are kept much better informed and have realistic expectations around timescales.
- 3.1.6 Customer Contact:** As advised above we have started a number of initiatives aiming to build in customer contact. Thus as part of the registration process and the initial receipt of the application by the officer there are now requirements to contact the customer. Then the Planning Officer is required to make contact at the 5 week point; where, if necessary and appropriate, the Extension of Time conversation will take place with the customer.
- 3.1.7 Agent Forum:** Clearly a lot of these changes will affect Agents. Over the years a number of them have become reliant upon the Administration Team to get their applications into

shape before processing could even start. This has significant time and cost implications for the Council and this dynamic will shift as part of the Validation process improvements. There will also, potentially, be new fees for undertaking tasks that have hitherto been provided for free. This is likely to cause some disruption and as such it is considered essential that we meet the Agents to explain what we are doing and why and that if they follow the advice offered it should actually help matters as they will not be stuck in a queue behind applications that the staff have to work on even to get registered. Once held, these forums will be repeated such that the ever evolving planning legislation can be discussed and explained and future improvements to the system can be consulted upon.

**3.1.8 Web Improvement:** In the last twelve months a Channel Choice Team has been formed within the Resident Services Group; made up of Customer Service officers, ICT officers, Communications and Web Design officers. As well as working to provide more accessible digital services for our customers, this Team is working with the Web Content officer to improve the information provided on the Website. It is recognised that the usability of the Web pages has a direct impact on the level of enquiries/requests for assistance that is received by the Planning Service.

**3.1.9 Non Committee Reports:** The PAS report identified that officers were of a high calibre and carried significant caseloads. However there was a perception that junior officers put together reports that relied unduly on senior officers to correct and format and that they should be producing better reports at the outset. PAS also identified examples where they considered reports to be overly long and detailed (in relation to straightforward applications), with far too much effort and expertise being invested in a piece of work that would probably never be read again once the application had been signed off. The solution to both of these issues is to adopt a standard template approach where reports are tailored to the likely audience. Thus Committee reports and refusals that may be appealed would be written as bespoke pieces of work (as now) whereas other applications would not need such bespoke reports but could use standard templates with inserts.

**3.1.10 Decision Sign Off:** In order to avoid a bottleneck at the Principal Officer level we have at CDC, following consultation with the Portfolio Holder, introduced a system of Peer Sign Off on less complex applications. As well as speeding up the process of Sign Off, this approach allows officers to learn from their colleagues' decision making considerations and can be introduced at WODC if the need arises and without the need to amend the scheme of delegation.

#### **4. AREAS REQUIRING MEMBER APPROVAL**

**4.1** The following items require approval, as per recommendation (b):

**4.1.1 Charges:** Supported by the PAS Report, the recommendations are that many of the Fees we levy are not in line with neighbouring Councils and need to increase. Secondly, that there are many non-statutory functions we undertake without any charge. The recommendation, therefore, seeks to bring existing Fees in line with comparators and introduces (modest) new Fees where we are providing officer assistance in areas where information is available to enable self-serve.

- 4.1.2 Recommendation: That new fees be monitored and if required increased and added to (as per PAS recommendations) to seek cost recovery
- 4.1.3 Enforcement: At present there is little prioritisation of enforcement cases or the emphasis is on getting out on site to view the breach as opposed to actually seeking to resolve it as expeditiously as possible. The pandemic (where there were more complaints arising from neighbours locked down at home coupled with severe restrictions on site visits) has brought about a substantial backlog. As identified above we have been using a “harms checklist” to seek to reduce the backlogs and it is considered that this approach could equally well be used to triage new cases. Thus, with the improved information generated from the improved enforcement complaint form we can assess the breach in terms of its planning harm, political impact, criminality or likely precedent and by so doing focus our attentions on the 50-100 cases per annum where real harm is identified; as opposed to seeking to move across a broad front of 300-400 cases, many of which are either trivial in nature, cause little harm or where the planning system is arguably being used as a tool in a neighbour dispute. Critically there would, with a reduced caseload, be the opportunity to provide better and more focussed enforcement update reports for Members so that they in turn are better informed to enable their community advocacy role in updating/managing expectations of Parish/Town Councils and neighbours. There will clearly be some neighbours who do not see the focus on key cases as being correct and want ‘their’ case investigated as a priority. However by focussing on the harm caused as opposed merely to the fact that there is a breach this potential source of future complaint can be mitigated to some degree
- 4.1.4 Recommendation: That the ‘Harm Checklist’ (Annex A) be introduced at complaint receipt stage to enable greater focus on higher priority/harm/impact cases
- 4.1.5 Consultation Protocol: A good planning decision is often based upon timely and accurate responses from consultees. Thus a culture has developed of consulting very widely on planning applications to seek to garner as much information as possible. However PAS identified that many of the consultees were not resourced to deliver against the volume of work they were being required to undertake to provide planning responses. This in turn often meant that rather than resolving matters they suggested a condition requiring submission of further information which then delayed the development (whilst this was submitted and processed) and further increased the work burden for planners and consultees in having to process the condition discharge applications. Sometimes the time delays waiting for this additional information far exceeded the time to process the main application; as consultees focussed on the initial as opposed to subsequent responses. PAS were of the view that many decisions could be made without waiting for the consultation response as they were not in fact critical to the decision. It will need a major review of who we consult, whether we can adapt their responses so as to not require further information and whether if the time for response has gone we can determine the proposal. Some responses have severe consequences (e.g. some Highways and Flooding responses) and some have legal consequences (e.g. Ecology) but not every one of them. This will need considerable thought as to how we can ensure consistency of consultation and whether to wait or determine the application and so it is suggested that a consultation protocol be trialled to ensure that we retain the correct balance between informed decisions versus late decisions with lots of additional but ultimately unnecessary information.

- 4.1.6 Recommendation: That a 'Consultation Protocol' (Annex C) be adopted.
- 4.1.7 Member Call In: At present Members have an opportunity to call in applications that would normally be determined under the scheme of delegation; with a requirement that this is done for planning reasons alone. At WODC this operates within the initial consultation period of the application (circa 21 days), at FODDC it operates at 28 days into the process but at CDC it operates at the end of the process. PAS were particularly concerned that this back-ended approach added delay to the process and critically that it undermined the ability of the officer to negotiate improvements. It is therefore suggested that the process is aligned at all three sites to match the one used at FOD such that the decision to request referral by a Councillor has to be made within 28 days of the receipt of the application with the Councillor clearly stating the planning reasons for referral and the decision as to whether they are or are not planning reasons is vested in the Local Lead officer for each site
- 4.1.8 Recommendation: That at the next review of the Schemes of Delegation for each site an approach based upon the above be introduced/retained
- 4.1.9 Neighbour Notices: The law requires that applications are advertised by either site notices(s) coupled with some newspaper advertisement or by newspaper advertisement coupled with direct neighbour notification. The situation at all three sites is different with different combinations being used. PAS identified WODC as having the system that best creates efficiency, utilises the computer systems to best advantage and ensures that those customer who are less IT literate are not disadvantaged; i.e. not using direct Neighbour Notification but rather posting a site notice or a number of notices at each site. Additionally, however, as part of the administration process, copies of the site notice are included in the paperwork available to the officer when they visit the site. If they consider that a particular property is affected and they have not had a response from that site as yet then a copy of the notice is posted through the door. This ensures that persons who are directly impacted but who have not seen the site notice or newspaper advertisements are still able to contribute. Introducing this process made considerable savings in officer time and postage and has actually increased the extent to which the public has commented upon applications. By encouraging use of on line alerts and submissions via electronic as opposed to paper based methods it also reduces the back office processes.
- 4.1.10 Recommendation: That the neighbour notification process be retained as outlined above with site notices, on site posting at officer discretion and applicants to self-post their notice. Please note that if the notice is not in place when the officer visits then the application is invalidated and the consultation process starts again.
- 4.1.11 Application Negotiation: It has historically been the case that Officers have worked proactively with applicants to seek to secure them planning permission. This is in accordance with the presumption in favour of sustainable development under which the planning system operates. However this can mean multiple iterations of a scheme have to be registered, processed, negotiated upon and assessed. On some occasions pre application advice may have been given that something needs to have been done, but it is only when the application is written up for refusal that the applicant will make the changes requested. This involves substantial abortive work and can mean that neighbours experience uncertainty for a substantial period of time as the application goes through a series of amendments rather than being determined. It is therefore proposed that a negotiation protocol be adopted that



seeks to limit the number of times that an application can be deferred whilst keeping open the opportunity to resolve minor matters. Where pre application advice has been ignored this restriction on 'endless negotiation' will be strongly applied and where no pre application advice has been applied for then it may be decided to determine the application as tabled.

**4.1.12 Recommendation:** That a negotiation protocol (Annex D) be adopted, to seek to limit the extent of times an application will be allowed to be amended.

**4.1.13 Ecology and Sustainability:** At present the workloads of internal consultees such as trees, forestry, landscape, heritage, design, conservation, architecture, green infrastructure etc. has increased substantially alongside the increase in planning applications. This is likely to increase still further alongside the impending requirements of Biodiversity Net Gain, the Environment Act and the Habitats Regulations coupled with the workloads that will be required to input into the emerging Local Plans at each site. The resources to deliver against this agenda are currently not sufficient. It is therefore highly likely that separate reports will be made to the Council seeking to address this longer term demand. In the interim the capacity of the team to deal with the volume of work generated from its core application response and serving LP issues is such that they will not be able to take on additional tasks and delivery against some existing targets is likely to slip. A further separate report will be made in due course to address this issue.

## **5. FINANCIAL IMPLICATIONS**

**5.1** There are no costs associated with either the changes detailed in section 3 or the recommended changes detailed in section 4; no significant costs that cannot be covered within existing service budgets. There will be investment costs in relation to the implementation of IDOX Cloud (The digitalisation of the Planning Service); however these, and the associated ongoing savings, have been highlighted and agreed as part of the Shareholder Innovation Programme. The resourcing needs of the Ecology and Sustainability Service (see paragraph 4.1.7) will have a financial impact but this will be the subject of a separate report.

## **6. LEGAL IMPLICATIONS**

**6.1** Any legal implications associated with the proposed changes are highlighted within the body of the report.

## **7. RISK ASSESSMENT**

**7.1** Any risks associated with the proposed changes are highlighted within the body of the report.

## **8. EQUALITIES IMPACT**

**8.1** There are no adverse effects on the protected characteristics covered by the Equalities Act. An Equalities Impact Assessment has been completed and reviewed by the Business Manager for Business Continuity, Governance and Risk.

**9. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS**

9.1 There is no negative impact associated with these recommendations.

**10. ALTERNATIVE OPTIONS**

10.1 Section 4 of this report includes the options and the level of risk associated with each.

**11. BACKGROUND PAPERS**

11.1 None.

(END)

# Enforcement Harm Checklist

## Case Details

1	Contravention No.	
2	Site Address	
3	Alleged Breach	
4	Action Target Date	
5	Priority	
6	Ward	
7	Ward Member	

## Relevant Policies and Considerations

8	Enforcement / Planning History	
9	Local Enforcement Plan	
10	Equalities Act	
11	Human Rights Act 1998	

## Primary Considerations

Y/N/NA

12	Development	Do the works that have taken place fall within the <b>meaning of development</b> as defined by Section 55 of the TCPA 1990? If Y, go to Q13 – If N, <b>no further action</b> on this form is required and go to Q34	
13	Permitted Development	Is the development <b>permitted development</b> ? If N, go to Q14, if Y <b>no further action</b> on this form is required and go to Q34 <b>Comments (if any):</b>	
14	Breach	<b>Has a breach of control taken place?</b> If Y go to Q15 if N, go to Q34  <b>Comments (if any):</b> i.e is development, but built to approved plans, or mud on road but condition not breached etc	
15	Illegal works	Does the complaint concern <b>illegal works to listed buildings, illegal advertisements, hedge removal and trees covered by a tree preservation order</b> or in a <b>conservation area</b> ? If Y go to Q16– <b>the case needs investigating</b>	

## Details of Breach

16	Type of breach	What <b>type of breach</b> has occurred?	Y/N
		a) Operational Development	
		b) Change of Use	
		c) Breach of Condition	
		d) Untidy Land	

		e) Advertisement	
		<b>Comments (if any):</b>	
17	The complainant	<b>Who is the complainant?</b>	Y/N
		a) Member	
		b) Parish Council	
		c) Immediate Neighbour	
		d) Other	
		<b>Comments (if any):</b>	
<b>Impact of Breach</b>			Y/N
18	Conservation area	a) Is the breach taking place in a <b>conservation area</b> ?	
		b) Is the breach potentially causing <b>harm</b> to the <b>character</b> and <b>appearance</b> of the <b>conservation area</b> ?	
		<b>Comments (if any):</b>	
19	Listed Building	a) Is the breach potentially causing harm to the <b>setting</b> of a <b>Listed Building</b> ?	
		b) Has the <b>conservation officer commented</b> on the case?	
		c) If <b>Y</b> , have they raised <b>strong objections</b> to the works?	
		<b>Comments (if any):</b>	
20	Visual impact	a) Do the unauthorised works result in an <b>adverse visual impact</b> on the character of the area or existing property by reason of <b>poor design, incongruous features</b> , etc	
		b) Have you <b>spoken</b> with a <b>planning officer</b> regarding the design?	
		c) Are the works <b>contrary</b> to the <b>Design Guide/ development plan policies</b> ?	
		<b>Comments (if any):</b>	
21	Residential amenity	a) Is the breach having an adverse impact on the <b>residential amenity of neighbouring properties</b> ?	
		b) If <b>Y</b> , How many neighbours is it affecting?	
		c) And in what way are they being affected?	
		(i) Noise	
		(ii) Smell	
		(iii) Light	
		(iv) Overlooking	
		(v) Other	
		<b>Comments (if any):</b>	
22	Stat nuisance	a) Is the breach causing a (potential) statutory nuisance?	
		b) If <b>Y</b> , have you consulted Environmental Protection / Building Control?	
		<b>Comments (if any):</b>	
23	Highway Safety	Is the breach causing <b>highway safety</b> issues?	
		<b>Comments (if any):</b>	
24	Other safety issues	Is the breach causing any <b>other safety</b> issues?	
		<b>Comments (if any):</b>	
25	Protected species	Is the site likely to have <b>protected species</b> present or is there any evidence of <b>habitat disturbance</b> ?	

		<b>Comments (if any):</b>	
26	<b>Trees</b>	Is the breach impacting on <b>trees</b> in a <b>conservation area</b> or protected by a <b>Tree Preservation Order</b> ?	
		<b>Comments (if any):</b>	
27	<b>Flood Zone</b>	Is the development in Flood Zone 2 or 3?	
<b>Harm Caused by Breach</b>			<b>Y/N</b>
28	<b>Extent</b>	What is the <b>extent</b> of the <b>harm</b> caused by the breach?	
		a) <b>Widespread</b>	
		b) <b>Local</b>	
		<b>Comments (if any):</b>	
29	<b>Scale</b>	Is the <b>harm</b> caused by the breach <b>irreversible</b> ?	
		<b>Comments (if any):</b>	
30	<b>Precedence</b>	Could allowing breach to remain <b>erode</b> the Council's <b>ability to enforce elsewhere</b> ?	
		<b>Comments (if any):</b>	
31	<b>Urgency</b>	Is the <b>breach</b> within <b>6 months</b> of <b>immunity</b> ?	
32	<b>Status</b>	What is the <b>current status</b> of breach?	
		a) <b>Worsening</b>	
		b) <b>Stable</b>	
		<b>Comments (if any):</b>	
33	<b>Planning Permission</b>	Would an <b>application</b> for <b>planning permission</b> be viewed <b>favourably</b> for the development? If <b>Yes</b> go to <b>Q34</b>	
		<b>Comments (if any):</b>	
<b>Conclusion</b>			<b>Y/N</b>
34	<b>Recommended action</b>	<b>No Further Action and close case</b> Not development, is permitted development, limited or no harm, planning permission would likely be granted if applied for, etc.	
		<b>Request Further Information</b> Issue a PCN or seek further information, such as via diary sheets.	
		<b>Invite Retrospective Application</b> If the case is borderline or acceptable with conditions.	
		<b>Ask owner/occupier to remove the development/cease the use</b> Harm which cannot be resolve via a retrospective application and before resorting to a formal notice	
		<b>Serve Notice</b> Harm that cannot be resolved (negotiations have failed or not an option).	
		<b>Serve Temporary Stop Notice or Stop Notice</b> Necessary to stop the breach immediately.	
		Provide specific details:	
<b>Completed by</b>			
35	<b>Case Officer</b>		Date: <input type="text"/>
<b>Authorising Officer</b>			<b>Y/N</b>

36	Sign off	Do you <b>agree</b> with the Case Officer's recommended <b>action</b> and <b>reasoning</b> ?	
		Comments (if any):	
37	Timescale for Action	What is the recommended <b>timescale</b> for the <b>action</b> to be <b>carried out</b> ?	
		Comments (if any):	
38	Authorising Officer		Date: <input type="text"/>

## **Forest of Dean District Council, Cotswold District Council and West Oxfordshire District Council (Publica)**

### **Development Management Review**

**June 2022**

#### **1. INTRODUCTION**

1.1 Publica is a council owned employment company set up in 2017 to deliver shared services between Cotswold, West Oxfordshire, and Forest of Dean District Councils and Cheltenham Borough Council. More specifically, Planning services are provided to Cotswold, West Oxfordshire, and Forest of Dean District Councils. Each of the councils retain their independence and identity but by working together and sharing resources seek to maximise mutual benefit, leading to more efficient, effective delivery of local services.

1.2 The Planning Advisory Service (PAS) have been asked to undertake a high-level review of the Development Management Services at the three Councils to identify areas where performance could be improved and to identify where best practice might be shared across the area.

1.2 The review has been undertaken by Tim Burton appointed by PAS. PAS is part of the Local Government Association (LGA) and provides high quality help, advice, support and training on planning and service delivery to councils, primarily in England. Its work follows a 'sector led' improvement approach, whereby local authorities help each other to continuously improve. Tim has over 30 years' experience working for local authorities, including most recently as Head of Planning for Taunton Deane and West Somerset Councils. For the last 3 years he has worked with PAS providing a range of support to many local planning authorities, including service reviews, Planning Committee reviews and Member and Officer training.

1.3 The review has been based on the application of the PAS Development Management (DM) Challenge Toolkit with particular emphasis on the sections on performance management, pre-application advice, receipt and validation, consultation and allocation, and officer reports. The toolkit aims to provide a 'health check' for Planning Authorities and act as a simple way to develop an action plan for improvements to their Development Management service. There is a link to the Toolkit at the end of this report.

1.4 The review was initially to be focussed primarily on processes and performance at Forest of Dean District Council. High level data was provided for consideration and a full day visit was carried out on 5th May 2022. This comprised discussions with a range of planning staff, focussing on performance and how this might be improved. It was agreed that Tim should also visit Cotswold District Council and West Oxfordshire Council and meet with staff there. These subsequent visits took place on 6th May 2022. Some information on application process and procedures was shared prior to the visits, However, this report is based primarily on the outputs of discussions with team members and their managers.

1.5 All those interviewed were friendly and welcoming and engaged fully with the process and are thanked for providing their honest opinions and feedback.

## **2. BACKGROUND**

2.1 All three Councils are performing comparatively poorly in terms of the speed of determination for non-major applications. Performance for the period January 2020-December 2021 is 73.5% against a minimum required level of 70% at Forest of Dean. The Council is ranked 311<sup>th</sup> out of 341 local planning authorities nationally. Cotswold is 314<sup>th</sup> (72.9%), whilst West Oxfordshire are 316<sup>th</sup> (72.8%). Against this background, PAS has been asked to provide support to improve performance against and to consider best practice for the planning services delivered by Publica.

2.5 These performance issues have undoubtedly been exacerbated by the impacts of Covid and the need to adapt to remote working, as well as a significant upturn in the number of applications being submitted.

2.6 Caseloads remain high and like many other local planning authorities, each of the Councils has struggled to recruit suitably qualified and experienced planning officers to permanent posts in recent times.

2.7 Whilst each staff team identified specific issues and areas for improvement relating to their own district, there were a number of common themes identified.

2.7 The consultant, in consultation with Phil Shaw (Business Manager, Development Management) has identified six priority areas where improvements are sought. These are: addressing issues associated with consultation; the delivery of a more customer focussed service; pre-application advice and development of a strategy for negotiations; validation processes; performance monitoring and reporting; and attitude to risk.

## **RECOMMENDATIONS**

**R1 Work with other services to highlight the importance corporately of timely decision-making in planning and identify where the process can be improved including exploration of a more risk-based approach to whether applications can be determined without waiting for consultation responses and where the introduction of standing advice might help improve performance**

**R2 Ensure that all staff prioritise the provision of progress updates using extensions of time as the primary method to do so (in such circumstances where an extension may be required). Extensions of time should be requested in all cases where the application will not be able to be determined within the statutory target. This recommendation should be supported by a customer protocol to explain this revised more customer focused approach to service delivery.**

**R3 Consider giving priority to those cases that have been subject to pre-application engagement whilst taking a more robust approach in other cases; together with a review of pre-application charges to ensure that they are covering the full cost of providing the service**



**R4 Review management information to reduce reliance on officers devising their own mechanisms (Maximise the use of the Enterprise to provide a range of performance information).**

**R5 Undertake a review of areas of the service at each Council where greater alignment might be achieved and to identify areas where a less risk averse approach might improve service delivery generally. Areas for review to include consultation and notification, officer reports (including their checking) and issuing of decisions**

### **3. ADDRESSING ISSUES ASSOCIATED WITH CONSULTATION**

3.1 Consultation delays were identified as being the key constraint to timely decision-making by all three Councils. Delays to determination associated with ecology responses were a particular concern raised at Forest of Dean, whilst drainage was a major issue for West Oxfordshire. It was acknowledged at all three sites that the approach currently taken to consultation is risk averse and that a more proportionate approach at validation stage might reduce the number of consultations being undertaken and the scale of the issue as a result.

3.2 Whilst consultees generally respond to initial consultation in a timely manner, responding to the additional information requests is considered to be extremely slow, with many applications being delayed for several months. If additional information is sought, it is inevitable that the application will not be determined within the eight-week period. It is understood that monitoring of performance only looks at the initial responses and therefore the extent of the problem has been largely hidden

3.3 It was suggested that whilst the importance of timely decision-making in planning is recognised corporately, this does not appear to be reflected in the priority given to responding to planning consultations by other Council services. Within the sample of applications reviewed several applications were delayed by several months awaiting consultation responses. Whilst the planning teams have sought to find solutions to improve turnaround times, performance in this area is largely beyond their control. Therefore, corporate recognition of the importance of timely decision-making in planning needs to be translated into prioritisation of such work across other Council services if performance is to improve.

3.4 The planning teams claimed that they try to take a pragmatic view on whether applications can reasonably be determined without waiting for outstanding consultation responses. However, reference was made to a general unwillingness from Councillors to make decisions in the absence of a final consultation response at both Forest of Dean and Cotswold. In order to speed up the process and reduce the burden of work for consultees it is recommended that the number of consultations undertaken be reviewed and a more risk-based approach taken.

3.5 The production of standing advice can act as a useful way of ensuring technical issues are addressed, whilst reducing the workload for consultees. Whilst there will always be cases where

bespoke advice is required, the introduction of more standing advice could have a major impact upon the speed of determination in many instances.

#### **4 THE DELIVERY OF A MORE CUSTOMER FOCUSED SERVICE**

4.1 Each of the three Councils have traditionally performed well against its planning performance targets. However, for a variety of reasons as has already been set out, performance has declined recently, with decisions on non-major applications routinely taking longer than eight weeks to determine.

4.2 Planning is no different to other customer facing services, whereby those seeking a service should have a right to expect to be kept up to date on progress of their application, particularly in circumstances where the timescales become protracted. The use of an extension of time is the appropriate mechanism to agree a programme for the determination of their application with the applicant or agent when it cannot be determined within the target time. Whilst the Councils should not find themselves in such a position whereby, they need to be used as a matter of course, they can be a key tool to be used in the delivery of good customer service. They are particularly useful when determination times are protracted (as they currently are for various reasons that are identified elsewhere in this report).

4.3 Planning staff, as well as their managers, acknowledge that insufficient focus may have been given to the need to agree the period for determination with the developer or their agent and to review this as may be required. Whilst individual case officers will vary in their responsiveness to customers, the overall impression is that keeping applicants apprised of progress and agreeing extensions of time has not been seen as a top priority. None of the Councils have traditionally seen the use of extensions of time as an integral part of service delivery. With resource issues and other matters (as outlined elsewhere) meaning that performance against an eight-week target has declined, the need to agree extensions of time as a fundamental part of customer liaison has not been appreciated. The reviewer got a clear impression that use of extensions of time had in effect been seen as 'cheating' ie. a means of hiding poor performance. If the Councils are failing to determine applications within the statutory target and not agreeing extensions of time, it is inevitable that performance against the relevant target will suffer.

4.4 An unwillingness to agree extensions of time on the part of developers has not been identified as being a significant contributor to the decline in performance when measured against the 70% target for the determination of non-major applications. Issues around staff vacancies, staff absences during Covid and the need to adapt to new ways of working as a result of Covid restrictions were all identified as having a greater detrimental impact upon performance. In these circumstances, the need to agree extensions of time where necessary must be given a higher priority.

4.5 A more structured approach to liaison with applicants and their agents, that sets out expectations in terms of determination timescales, could be incorporated into the initial acknowledgement letter, confirming that the Council will be proactive in requesting an extension

of time prior to expiry should this prove to be necessary. Applicants should be made aware of likely decision times and extensions of time should be agreed when both parties agree it is appropriate, and in all cases well in advance of the decision. Whilst this approach should reduce the need for developers and their agents to chase progress, the letter could include the case officer details with their working patterns included to enable them to be contacted if required.

4.6 The Council should seek to publish as much information as possible on its website to minimise the need for direct customer contact. West Oxfordshire operate an alert system, which could be further developed and applied to the other Council areas.

4.7 This revised approach to customer interaction would benefit from being set out in a 'customer protocol' to be shared at an Agents forum as a reset in the relationship between agents and their Council. To encourage the take up of extensions of time the Councils may also wish to consider whether priority is given to those cases where the determination will be in accordance with the target or where an extension of time has been agreed.

4.8 Information on performance should be shared with the team and should be discussed at team meetings as well as part of individual performance assessments and 1-2-1s.

## **5. PRE-APPLICATION SERVICE AND THE DEVELOPMENT OF A STRATEGY FOR NEGOTIATIONS**

5.1 All three Councils take a similar approach in seeking to negotiate a positive outcome wherever possible. However, it is questioned whether the approach currently demonstrates best use of a limited resource.

5.2 The Councils see their pre-application advice service as a key component of the delivery of a positive and proactive planning service. Pre-application engagement is encouraged and prioritised accordingly.

5.3 However, the ethos of seeking solutions to enable the granting of permission wherever possible also extends to those proposals where the developer has not engaged pre-application, or failed to take advice. Therefore, it is questioned why a developer would pay for a 'pre-app' if the Council is still going to seek to negotiate a positive solution with them even when they have declined early engagement.

5.4 Whilst a desire to get to a position where a planning permission can be granted wherever possible is a laudable one, the current approach would appear unsustainable based upon the resources available and is undoubtedly a contributory factor in the failure to meet performance targets. In order to encourage an increase in take up of pre-application engagement and enhanced performance in the determination of non-major applications, the Councils may wish to consider restricting negotiation following the submission of an application to cases where the developer has first sought and responded positively to pre-application advice. Other applications would then generally be determined based upon the merits of the proposal as submitted. This

more robust approach would reduce the amount of officer resource taken up with negotiation significantly as well as giving further emphasis to the importance of pre-application engagement. It is important that any change in approach be communicated to developers and also gets buy-in from elected members in advance of its implementation.

5.5 All of the Councils now charge for a pre-application service, although it is understood that Forest of Dean have only recently started charging. If it is deemed not to be a subsidised service, it is important that charges reflect the true cost of providing the service. It would not appear that this is always the case. The DM Challenge Toolkit advises Councils to ask applicants what services they would benefit from; to undertake a time recording exercise to establish the actual cost of particular pre applications and set fees accordingly; to seek customer feedback on value for money; benchmark with similar Planning Authorities to identify appropriate costs. It also advises that fees should be reviewed at least annually using an inflationary measure (e.g. RPI) as a benchmark for price rises.

## **6. VALIDATION PROCESSES**

6.1 Validation is undertaken by a centralised validation team. Whilst there are clearly resource and resilience issues within this team currently, the general approach to validation appears to be a sound one. Indeed, the resource and resilience issues would likely to have been far greater without the adoption of a shared service approach. Whilst staff at Cotswold District Council explained benefits from their previous approach whereby the case officer was responsible for the validation of their applications, the principle of freeing up case officer time in times of constrained professional resource is a sound one and there is no reason why the current approach cannot be successful. At West Oxfordshire the allocating officer is responsible for identifying the consultees. Adoption of this approach elsewhere might address many of the concerns raised around validation becoming a 'tick box' exercise.

6.2 Concerns were also raised around errors occurring in the validation process. The resource and resilience issues leading to limited capacity for training may well be a contributory factor in the number of issues occurring at this point in time. However, resolution of the current resilience issues should alleviate the problem as perceived and does not suggest the need for the adoption of an alternative approach to validation. Up to date and consistent validation checklists will also help to reduce the number of errors being made. It will be important to get buy-in from all staff to this new approach to validation (particularly as this represents a radical shift from that previously applied at Cotswold).

## **7. PERFORMANCE MONITORING AND REPORTING**

7.1 Information available to monitor performance and identify deadlines is generally considered to be poor at each Council, relying on officers and managers to invent their own systems. Deadlines are inevitably being missed simply because staff and their managers are unaware of them. The implementation of Enterprise needs to resolve this issue, with less reliance on officers

to identify their own deadlines and giving managers better information with which to monitor individual staff performance.

7.2 The DM Challenge toolkit identifies a good planning service as one that regularly monitors the statutory performance measures (at least every month), has a variety of qualitative and quantitative performance measures that are important to the Planning Authority including a customer feedback performance target. In order to improve performance in this area, performance information needs to be readily at hand and officers alerted when extensions of time need to be agreed. As is recommended in the Toolkit, the Council is advised to review management information to reduce reliance on officers devising their own mechanisms (Make use of the Planning software to provide performance information/Different staff need different information). A system also needs to be in place to ensure that extension of times are being recorded accurately. Data needs to be in real time, including standard workload reports for each officer that can be run at any time. Reports need to be able to be easily read and explain performance through the use of graphs, comparisons etc.

7.3 The lack of readily available real time performance information is seen as having been a major constraint to performance for both case officers and those who manage them. The introduction of Enterprise provides the ideal opportunity to incorporate high quality real-time reporting and alerts. The DM Challenge Toolkit states that 'project management software should allow an officer to understand whether their application is on track eg. A traffic light system'. The availability of information for all staff should also help to reduce the reliance upon case officers to inform applicants and other interested parties of their application's progress towards determination, as well as helping officers manage their own caseload. Greater use of staff other than the case officer to provide updates should be able to be more effective if the necessary information is easily accessible. There is already some good practice at West Oxfordshire in terms of alerts and notifications, which could be applied more widely.

7.4 Enterprise should provide quarterly information on applications received and applications that are valid (the numbers to be broken down into gross number and by case officer and not yet validated/invalid/valid, plus what type of application they are). There should be the ability to run a report by each area for all of the team to compare performance across the teams. It should outline the number of applications determined/how long it has taken for them to be determined to include where an extension of time has been agreed, as well as data on pre-apps, appeals and fee income.

7.5 This access to performance data should enable more informed performance management practices to be applied. This does not always appear to have been the case previously and represents a huge opportunity to improve overall team performance.

## **8. ATTITUDE TO RISK**

8.1 There are areas where each of the Councils appeared to the reviewer to be overly risk averse. Staff at each of the Councils recognised this and that in light of limited resources a more risk-based approach could be applied. The reviewer is aware that Cotswold DC undertook a process re-engineering exercise prior to the formation of the Publica partnership. The general impression given by those staff who spoke to the reviewer there was that the 'Cotswold approach' had been successful in delivering a high-quality service. However, whilst there may be some reluctance to move away from what was perceived as being good practice, the realities around resources and a desire to align the three services would indicate the need to undertake a wide-ranging review to determine where greater risk might be taken to improve speed and efficiency and ensure that limited resources are being best utilised.

8.2 West Oxfordshire District Council have adopted an approach whereby site notices are relied upon, and individual householders are not notified of proposals directly. This undoubtedly represents a considerable saving in time and money, and it was suggested has not reduced public participation. Whilst this approach may not be seen to be appropriate by the other Councils, other options to publicise applications more cheaply and effectively could be explored.

8.3 In response to Covid restrictions, many local planning authorities have begun to rely upon applicants to display site notices and to provide evidence of doing so in the form of a photograph. This approach will normally result in the site notice being displayed more quickly and can also avoid the need for the case officer to undertake a site visit in certain circumstances.

8.4 Whilst it is important that officer reports provide enough information to understand and justify the recommendation made, there was a recognition at both Cotswold and Forest of Dean that a risk averse approach was leading to reports that were comprehensive in terms of their content even for relatively straightforward proposals. The DM Challenge Toolkit advises Councils to create different report templates for different types of applications e.g. householder, minor commercial, minor residential, major etc. The officer report follows a template and the template changes depending on the type of application and the decision made. Reports for householder applications can be very short unless the decision is to refuse or a Planning Committee item. Major application reports will need to include additional information such as S106 requirements. If an application is being refused it is helpful if it is written in a form that can be used as a written representations appeal statement or sent to the Planning Inspector without any further additional information. The Councils are advised to use best practice to design a number of templates for different types of applications and decisions, including a tick box report for very straightforward householder applications.

8.5 The use of standard wording can ensure that officers include key information e.g. housing supply, Equality Act, Human Rights Act etc. At Forest of Dean in particular, an impression was given that officer reports were being checked in detail by managers (including checking of spelling, grammar etc.). This does not represent best use of managers time and a lighter touch approach could be taken. However, it will be incumbent upon case officers to be more rigorous in

their own checking in future, rather than knowing that if they make an error, someone else will correct it. It is hoped that case officers would respond to a culture where officers have greater responsibility for their own decisions in a positive fashion.

8.6 In order to minimise delays in the issuing of decisions, it is important that a number of senior officers are authorised to sign off decisions.

8.7 At Forest of Dean in particular, the process for the issuing of decisions appears unnecessarily complex. If the report has been signed off by a senior manager, there would seem to be no reason why it then has to be referred back to the case officer for a further check before it is issued. Removal of this additional handover would reduce the potential for delay.

8.8 When considering adopting a greater attitude to risk, it will be important to get buy-in to new ways of working from the staff at each Council. Moreover, it will need to be explained to Councillors that a more risk-based approach is essential if performance is to be improved. Individual officers should not be criticised unduly should more mistakes occur as a result.

8.9 The scheme of delegation at Cotswold DC allows for Councillors to call applications in to the Planning Committee at the end of the process, meaning that almost inevitably those applications will not be able to be determined within the statutory time period. This is not seen as being good practice and it also unnecessarily extends the period of uncertainty for all parties involved. It is recommended that consideration be given to revising the time period for call-in to align with that for representations (ie 21 or 28 days from the date of notification).

## **9. CONCLUSION**

9.1 During the most recent assessment period none of the Councils are performing well when judged against the government's performance target in relation to non-major applications. Whilst this can, in part, be attributed to an increase in the number of applications being submitted, resource issues and the need to respond to Covid19 related challenges, these are issues are equally being faced by a significant proportion of Councils across the country. Therefore, it is important that performance is improved to ensure that none of the Councils become at risk of designation as well as improving the service provided to developers more generally.

9.2 A step change in terms of the priority the Councils gives to agreeing timescales for determining applications with applicants and agents, based upon a far more rigorous approach to seeking extensions of time should deliver demonstrable improvement to performance in the period to the end of 2022. The implementation of the other recommendations in this report will assist the Councils in reducing overall determination times resulting in the need to agree extensions of time becoming a less frequent requirement in the future.

*PAS Development Management Challenge Toolkit*

<https://www.local.gov.uk/pas/development-mgmt/development-management-challenge-toolkit>

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## Consultation Protocol

Making a good planning decision relies upon being well-informed. As such, effective consultation with other stakeholders and consultees is essential if well-informed decisions are to be made. However, this can lead to a tendency to over consult (as a safety net) and to wait for every consultee to reply before issuing a decision. This is inefficient and causes unnecessary delay and the PAS report of May 2021 identified these delays as being a major component in inhibiting timely determination of applications. This document sets out the roles and responsibility of those engaged in consulting upon applications and subsequently considering those responses with a view to ensuring that consultation is effective, efficient and targeted at securing the right information whilst not delaying determination unless that is essential for legal or other reasons

### **Admin/Validation Team**

Undertake the Statutory consultations as per the GPDO

Use the “Who to consult list” to sense check and input non stat consultees

Check with a planner/Heritage Officer if unsure or it is an unusual application

Over consult rather than under consult at the initial stage if there is any doubt

If amended plans require re-consultation check with officer if same list is appropriate or if it can be more targeted

### **Planning Officer/Heritage Officer**

Upon receipt of file, check who was consulted by admin/ validation and add any missing ones if required

Chase late responses for Statutory consultees as part of case management to ensure they are received in good time

Reconcile competing responses with the consultees at the earliest opportunity eg is the hedge that highways want removing the same one the ecologists are saying must stay?

When the 21 day consultation period has expired make a conscious decision as to whether any outstanding responses are ‘ nice to have’ or ‘need to have’ before decision can be made. This will in part be based on a professional judgement as to what is key to the decision ( eg safety or legal necessity). Ask the question as to whether anything the consultee could say would be likely to change the recommendation and if not proceed to determine the application. Address the lack of response from the consultee and assess the pertinent issue in the case officer’s report.

When assessing conditions that are being suggested by consultees, ensure that they meet the 6 tests set out before a condition can be imposed and in particular that they do not unnecessarily ask for more info that we should dictate now ie can we prescribe what is required as opposed to asking for details and hence causing additional work and delay. If conditions are to be changed check back with the consultee to explain why that is the case

When considering a consultee based refusal if we are going to seek support from a specialist consultee at Appeal we need to ensure that they are happy with the reason even if they are only lack of info

**Signing Off Officer**

Sense check the above and issue decision

## Negotiating Submitted Applications

### Procedure Note 2023

Overall, the vast majority of planning applications received are granted permission and a significant number of these will involve some form of negotiation.

Negotiations during the course of an application are an important part of the planning process. They enable schemes to be amended and improved to:

- meet the requirements of technical consultees & policies
- address responses of neighbours, consultees, Town/Parish Councils and Councillors
- allow for a pragmatic response to the needs of developers/applicants
- ensure that, together, we maximise the opportunity to deliver the best possible schemes.

The facility to make amendments is, however, not an alternative to a properly thought through and prepared application. The preference, in accordance with national Planning policy & best practice, is for negotiation to take place before the application is submitted - as this speeds up the process. We encourage discussions via our pre-application advice service. Pre-application advice will generally give more certainty at an earlier stage and help resolve issues so that speedier decisions can be made when the application is submitted.

A key part of every planning case officer's role is to make a recommendation on the acceptability or otherwise of any planning application. Having considered all relevant factors, the case officer might conclude that the proposal is unacceptable for a number of reasons. In this case a further judgement is required on whether negotiations are appropriate to be carried out in an attempt to make the scheme acceptable or whether the application should instead be refused.

#### **When we negotiate**

A number of factors will influence this judgement, but the main ones are policy considerations and the scale and nature of the amendments required.

Planning applications under consideration typically fall into one of the following categories:

1. Scheme acceptable as submitted - **Approval without negotiation**
2. Scheme fundamentally unacceptable as submitted - **Refusal without negotiation**

If the proposal is clearly contrary to policy for example, it is unlikely that negotiations can overcome this. In these cases, the planning case officer will proceed to progress the application to a determination. Similarly, if the scheme is substantially sub-standard,

perhaps in a number of different respects, the presumption is that it will be progressed towards a decision without negotiations being undertaken. The reasons for refusal will advise the applicant or agent what the problems are so that they can seek to address these in a re-submitted application, if they wish to do this, or to give them the earliest opportunity to seek review of the decision via the Appeal process.

3. Scheme unacceptable as submitted but needs only minor amendments to make it acceptable which would not materially alter the application and which would (generally) not require re-consultation – **Approval following negotiation**.

If the scheme only requires a relatively minor change to make it acceptable, the presumption is that negotiations will be undertaken to obtain satisfactory amended plans before the application is put forward for a decision. Whether any amendments are considered to be ‘minor’ is addressed in more detail below.

4. Scheme is unacceptable as submitted but needs minor amendments or further information to meet the objections or concerns of a consultee and no other third parties need to be reconsulted – **Approval following negotiation**.

Sometimes, people who are consulted on an application (including external consultees such as the Highway Authority, Environment Agency, Natural England, etc and internal consultees such as other Council departments) require changes to be made to the plans or additional information to be submitted. In cases such as this, negotiation and amendments may be acceptable in certain cases and this is addressed in more detail below.

#### **How do we assess if a scheme needs only minor amendments?** (see point 3 above)

In the first instance we ask two questions;

Q1 - would the amendment materially alter the application? If YES, a fresh application is needed and amended plans will not normally be accepted.

Q2 – would any re-consultation with the Town or Parish Council or neighbours on any amendment be needed? If YES, a fresh application is normally needed and amended plans will not be accepted.

Whether the amendments comprise a material alteration and/or whether re-consultation is needed is a matter for the planning case officer. It depends on the nature and scale of the amendments and any comments that have been received from third parties. The Council will consider the use of extensions of time should it be considered appropriate to do so to progress a scheme, but the Council will normally only accept a single amended set of plans to overcome any issues raised by officers in such circumstances.

Some common examples where **amendments will not normally be accepted** are set out below;

- Significant changes to the character or appearance of the development eg
  - Design changes that have a singular or cumulative material impact on any neighbours or the public realm

- Changes to the application site boundary
- Significant changes to the site layout
- Significant changes in scale such as the increase in the footprint of a new building or extension
- Material changes to the description of the development (other than removing elements from the scheme):
- Addition of new elements to the originally submitted proposal eg
  - Additional extensions
  - Additional openings facing neighbouring properties
  - Additional information such as Traffic Impact Assessments
  - Additional survey work such as ecological surveys

Please note we will generally accept minor amendments (without re-consultation) to an application where those amendments are made to address the concerns of respondents or where the details of the amendments have been clearly presented at Committee and have been accepted as being required to reach a decision.

**When will we accept amendments to address the concerns of a consultee?** (see point 4 above)

In the first instance we ask three questions;

Q1 – Can the amendment/additional information be provided within the statutory time period for determination (or a single agreed extension of time eg to meet a consultee timeframe)?

If the answer is YES, we move to Q2. If the answer is NO, amended plans and/or additional information will not be accepted

Q2 – Can the comments of the consultee on the amendment/additional information supplied also reasonably be received within the statutory timeframe (or agreed extension of time)?

If the answer is YES, we move to Q3. If the answer is NO, amended plans and/or additional information will not be accepted

Q3 – Will anyone other than the consultee need to be re-consulted?

If the answer is YES, amended plans and/or additional information will only be accepted at the discretion of the planning case officer or Development Manager.

**What happens if we ask for amended plans or to provide additional information?**

If we seek to amend plans and the case officer confirms that they will accept such amendments as part of the current application, the case officer will give a date by which to submit the plans and any additional information.

If the amendments are not received by the date given, we will generally determine the application as it stands.


We will not accept amendments after the date given by the case officer.

The dates given by the case officer will vary according to the case officer's workload and priorities at the time. In some cases the time period given for amendments to be submitted may be short. In all cases we will try our best to advise applicants of the need for amendments as early in the process as possible.

The expectation is that only one round of negotiation and, if necessary, re-consultation with a consultee, will be entered into per application. Similarly endless extensions of time is unfair to third parties and so the expectation will be that only one such extension will be agreed.

Applicants and agents to be encouraged NOT to submit amended plans unless invited to do so by the case officer. If amended plans are received without being requested, it is a matter for the discretion of the case officer whether those plans are accepted or not.

**NB No guidance note can cover all eventualities. In some circumstances ( eg to avoid an appeal/for political or procedural or practical reasons etc) , exceptions to the above approach may therefore be allowed at the discretion of the relevant Principal Officer or Development Manager.**

 <p>WEST OXFORDSHIRE DISTRICT COUNCIL</p>	<p><b>WEST OXFORDSHIRE DISTRICT COUNCIL</b></p>
<p>Name and date of Committee</p>	<p><b>EXECUTIVE - 21 JUNE 2023</b></p>
<p>Subject</p>	<p><b>CHIPPING NORTON LEISURE CENTRE ROOF REPAIRS</b></p>
<p>Wards affected</p>	<p>Chipping Norton</p>
<p>Accountable member</p>	<p>Councillor Dan Levy, Executive Member for Finance Email: <a href="mailto:dan.levy@westoxon.gov.uk">dan.levy@westoxon.gov.uk</a></p>
<p>Accountable officer and report author</p>	<p>Andrew Turner, Business Manager for Assets and Council Priorities Email: <a href="mailto:andrew.turner@publicagroup.uk">andrew.turner@publicagroup.uk</a></p>
<p>Summary/Purpose</p>	<p>To request approval to repair the Chipping Norton Leisure Centre roof.</p>
<p>Annexes</p>	<p>Annex A – Inspection Report</p>

<p>Recommendation(s)</p>	<p>That the Executive resolves to:</p> <ul style="list-style-type: none"> <li><i>a) approve the repair works required, as detailed in the report</i></li> <li><i>b) recommend that the authority to approve the final budget to cover the repair cost is delegated to the Assistant Director of Property &amp; Regeneration (Publica) in consultation with the Chief Finance Officer and the Executive Member for Finance</i></li> </ul>
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<p>Corporate priorities</p>	<ul style="list-style-type: none"> <li>● Working Together for West Oxfordshire</li> </ul>
<p>Key Decision</p>	<p>NO</p>
<p>Exempt</p>	<p>NO</p>
<p>Consultees</p>	

## **BACKGROUND**

- 1.1 Chipping Norton Leisure Centre was completed in 2002. Over the life of the building, it has suffered with water ingress issues, due to the design and construction of the roof.
- 1.2 The roof design includes an internal drainage system, which is concealed by a parapet that traps debris and blocks the gullies. As the roof is at a five-degree angle, any collected water easily flows backwards up the roof and into the building.
- 1.3 The main contractor, Morgan Sindall, had been returning to the centre for the past 20 years to patch repair the roof. During this time, the Council commissioned consultants to resolve the issue and find a permanent solution, but these have failed.
- 1.4 In November 2018, the drainage system was modified, and the parapet removed from the roof of the sports hall. For the last five years, no more water ingress issues have been reported in this area of the leisure centre.
- 1.5 In August 2022, the standstill agreement between the Council and Morgan Sindall legally ended and no more patch repair work would be carried out by the main contractor.
- 1.6 The leisure centre then passed to the Property team, who have been working with the leisure contracts team and the leisure provider, to find a solution.

## **2. LEISURE PROVIDER**

- 2.1 Greenwich Leisure Limited (GLL) entered into contract in August 2017, to provide the leisure facilities at Chipping Norton.
- 2.2 The contract is a full repairs and maintenance contract but excludes the roof. The ten year contract is due to finish in July 2027, but it does contain a five year extension option.
- 2.3 The Council continues to maintain a strong relationship with GLL, working in partnership to resolve issues when they occur while working on a permanent solution to fix the roof.

## **3. CONSULTANT REPORT**

- 3.1 In December 2022, Michael Kilbey Associates, a specialist roofing consultant, completed a detailed investigation of the roof.
- 3.2 The centre manager highlighted areas of water ingress, being joints and flashing around the perimeter of the roof. Upon inspection, water was sitting at the back of the flashing and not draining away.
- 3.3 Flashing joints have completely failed in parts and when lifted, wet insulation was discovered underneath. Incorrectly fitted lead flashing has also contributed to water ingress.
- 3.4 The report in full is attached as Appendix A.
- 3.5 It was concluded that the leaks being experienced are not due to failings in the actual roof sheeting itself but more likely due to poor execution of the detailing around the roof perimeter, interfaces and penetrations through the roof.
- 3.6 The consultant does not believe replacement of the roof in its entirety is a necessary course of action in the short to medium term.
- 3.7 Previous inspections and patch repairs have taken place over the years, but this has been on behalf of the main contractor. This is the first full inspection since the standstill agreement legally ended.



#### **4. INTERNAL REVIEW AND TENDER**

- 4.1 The Property team have reviewed the report against previous surveys and believe the proposal will solve the water ingress issue.
- 4.2 To progress with the tender, James Slater have been appointed as consultants to draft the schedule of work and risk register. They will also produce the contract and amended roof plans and drawings to form part of the tender pack.
- 4.3 A site visit is scheduled for 30<sup>th</sup> May, with GLL for due diligence work against the original survey and to determine compound position, access points and Health & Safety.

#### **5. RECOMENDATIONS**

- 5.1 To progress with the repair work and appoint a contractor once tenders are received, it is recommended that authority to approve the final repair cost be delegated to the Assistant Director of Property & Regeneration (Publica) in consultation with the Chief Finance Officer and the Executive Member for Finance
- 5.2 The final cost is not known, but the consultant's report has estimated circa £80,000.

#### **6. ALTERNATIVE OPTIONS**

- 6.1 The Council could decide not to complete the recommended works, but this would result in continued ongoing maintenance and repair to the roof, a poor customer experience for residents and strained relations with the leisure provider.
- 6.2 The Council could decide to wait until the tender responses have been received before approving the budget, but this will cause delays to the works programme and potentially rule out potential contractors and most only hold prices for a few weeks.
- 6.3 The council could decide that the only permanent solution would be to replace the entire roof, as another patch repair might not work. A full replacement would cost in circa £1.5 million. At only £80,000, being approx. 5% of a full roof replacement cost, it is advised to progress with the recommend works in the first instance.

#### **7. FINANCIAL IMPLICATIONS**

- 7.1 The cost for the repair work is estimated to be £80,000 and forms part of the capital budget for 2023/24.

#### **8. LEGAL IMPLICATIONS**

- 8.1 The Council's solicitors will need to review the final contract before a contractor is appointed.

##### **RISK ASSESSMENT**

- 8.2 A risk register will be maintained and managed throughout the repair progress, in cooperation with GLL, the appointed contract tor and the Council.

#### **9. EQUALITIES IMPACT**

- 9.1 None envisaged as a result of this decision.

**10. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS**

**10.1** No implications as a result of this decision.

**11. BACKGROUND PAPERS**

**11.1** None.

(END)



## INDEPENDENT INSPECTION & REPORT

-on-

STANDING SEAM ROOF

-at-

CHIPPING NORTON LEISURE CENTRE

BURFORD ROAD

CHIPPING NORTON

OX7 5DY

Prepared By:

Guy Kilbey F.I.o.R

Report Date:

22<sup>nd</sup> December 2022

Report Ref

08/12/2022publicagroup



Michael Kilbey Associates Ltd : The Studio : 13 Afton Barns The Causeway : Freshwater : PO40 9TA

[www.mkaconsultants.co.uk](http://www.mkaconsultants.co.uk) : [guy@mkaconsultants.co.uk](mailto:guy@mkaconsultants.co.uk)

t: +44 (0) 1494 723365: f +44 (0) 1494 721194

Registered in England No 8004970 VAT No. 132 7814 20 Registered Office: 7 Murray Crescent, Pinner, Middlesex, HA5 3QF

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## STATEMENT OF TRUTH

I confirm that in so far as the facts stated in my report are within my own knowledge, I have made clear which they are and I believe them to be true, and that opinions I have expressed represent my true and complete professional opinion.



22/12/2020

## **1.0 INSTRUCTION**

- 1.1 I have been instructed via email dated 3<sup>rd</sup> November 2022 from Mr A. Dike of Publica Group to undertake an inspection of the aluminium standing seam roof in accordance with our fee proposal dated 31<sup>st</sup> October 2022.

## **2.0 INFORMATION**

2.1 Prior to my site inspection I have been provided with the following information

- Bickerdike Allen Partners report dated 17<sup>th</sup> September 2009
- Bickerdike Allen Partners Draft Outline Scope of Works dated 7<sup>th</sup> March 2011
- Bickerdike Allen Partners Roof Investigation Report dated 31<sup>st</sup> May 2012

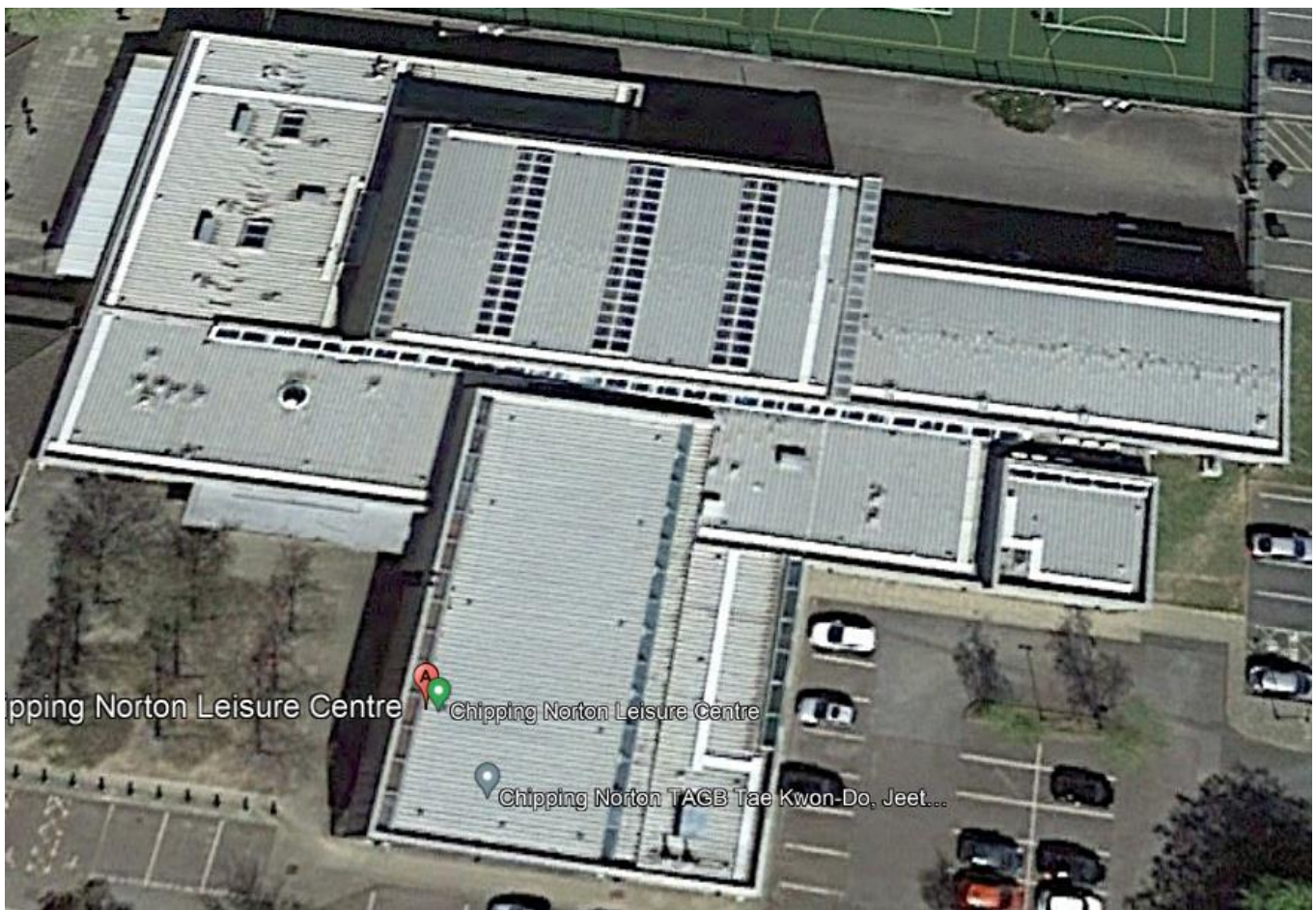
### 3.0 SITE INSPECTION

3.1 The site inspection commenced at 10.00 am on Thursday 8<sup>th</sup> December 2022.

3.2 At the time of the inspection the weather was sunny with an ambient temperature of 0°C

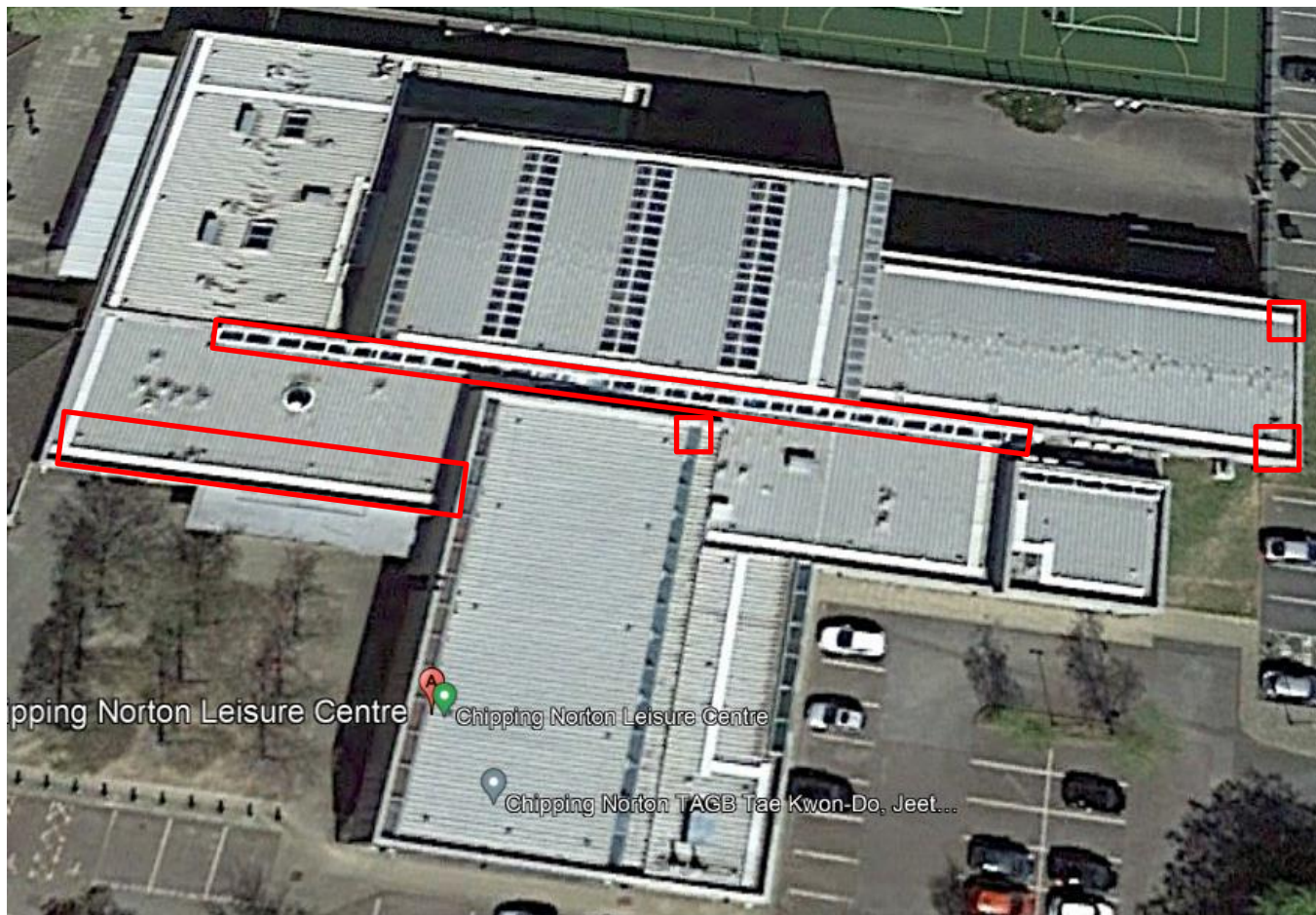
3.3 Access to the roof was via designated access routes onto the roof and access ways installed onto the roof for maintenance purposes.

3.4 In attendance during the inspection were 3 operatives from SPV projects whom were in attendance to open up areas of the roof to be inspected.



#### 4.0 OBSERVATIONS

4.1 Long term water ingress was reported to me by the centre managers as occurring in the areas highlighted on the image below.



4.2 The roof has been weathered using an insulated aluminium standing seam system roof manufactured by KeyBEMO.

4.3 Where checked we were able to identify the presence of a vapour control layer, although we were unable to inspect the sealing of VCL end and side laps.





BEMO vapour control layer in place, but I could not inspect the sealing of end and side laps

- 4.2 On the underside of the aluminium roof sheets we identified the presence of condensation which at the time of my inspection was frozen. It's not unusual to find an element of condensation on the underside of metal roofs but this ordinarily vents out through seams etc, however in this case the quantity of moisture did appear quite high, although this may be due to the current exceptionally cold weather conditions.



Condensation build up on underside of aluminium roof sheets

- 4.3 When the insulation was moved away in the areas where the roof was opened up there was evidence of water staining on the VCL



Water staining on VCL surface



Water staining on VCL



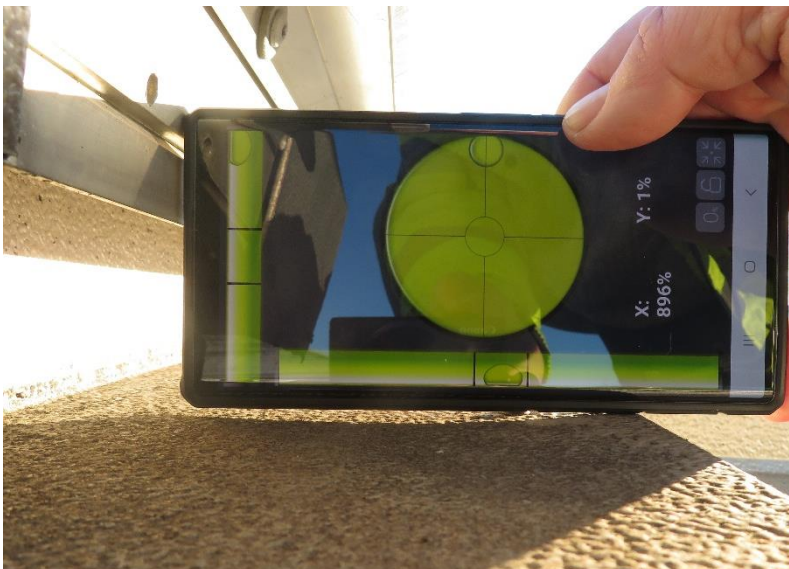
Water staining on VCL



Water staining on VCL where it turns up at the roof lights

4.4 Where checked the aluminium roof sheets have been turned up at the head of the roof sheet to prevent rainwater from being driven over the end of the roof sheet by wind pressure and turned down at the eaves to aid the draining of rainwater from the eaves of the roof sheet.

4.5 The detailing of the drip flashings around the roof light has been poorly executed resulting in the flashing having a back fall on it allowing water to sit against the vertical upstand section of the flashing. Due to poor sealing of the flashing water can track through the butt joints in the flashing, where checked the mastic seals used to seal the butt joint had failed providing a ready route for water to drain into the roof build-up and onto the VCL



Back fall to roof light flashings will allow water to sit on the flashing rather than drain off it



Water staining on flashing shows how the water sits along the back edge of the flashing



Where water pools over a flashing butt joint, if the seal is not 100% as in this case water will drain in to the roof build up



Butt joint completely failed when this was opened up the insulation was wet and staining on the VCL was visible



Further evidence of failed but joints  
in the drip flashings to the roof  
lights



Ditto last



Ditto last

4.6 It was noted that there is water staining arising from a possible leaking gutter along the top of the wall to the sports hall area. Water from the gutter appears to be draining down the wall. The lead flashing directly below has not been correctly sealed leaving a possible route for water to enter the cavity wall below the level of the cavity tray, from where it could manifest as a leak into the building.



Water draining down wall from upper roof gutter, some of which could be entering the cavity at the head of the louver screen whilst the remainder drains down the louver and onto the wall below



The water drains down onto the dpc and lead flashing



When the joint between the lead flashing and the DPC was probed it was possible to slide the probe into the cavity wall which will also be a possible water track into the cavity wall at a level below the DPC which could manifest as a leak in the building



Water staining could be seen on the top edge of the lead flashing where it is turned into the brickwork indicating the presence of moisture

- 4.7 Where capping's were removed it can be confirmed that a dpc has been installed, however it is of insufficient width to protect the underlying cavity is allowing any water that gets onto it to drain into the cavity rather than draining to the outside. There was also evidence of not only fresh deposits of water in the cavity but also water staining.



Water was present on top of the cladding rails.



Ditto



Ditto



4.8 A vent on the roof was found to have been dislodged leaving a large, unweathered hole in the roof, although I don't believe this had been like this for any real length of time. However, what was interesting was to see the amount of water staining on the plywood boarding used to support the vent which would suggest that water has been getting into the vent detail for some time.

4.9 The joint between the plastic vent cowl and the aluminium was probed, the probe could be pushed all the way into the joint suggesting there is no seal, or the seal has now broken down. Water entering via these vent details will drain onto the VCL below and naturally drain down the roof slope towards the eaves/gutter line



Note water staining to fixing bracket



Water staining to plywood support under aluminium vent cap



The joint between plastic vent and aluminium vent cap is not effectively sealed



The joint between plastic vent and aluminium vent cap is not effectively sealed

4.10 At the time of my inspection the gutters were clear of any debris and I assume they had recently been cleaned out with no reports of the gutters being overwhelmed, even during the recent heavy rains experienced in October/November of this year

## 5.0 CONCLUSIONS

5.01 Within the roof areas inspected we did identify areas along the eaves of the roof sheets where foot traffic had caused a dishing of the roof sheets which pan and has created a back fall at the eaves. Whilst this is allowing water to pond at the eaves, I am not of the opinion that this is leading to water ingress problems being experienced on the roof as the ends of the sheets has been bent down and a drip edge has also been installed under the sheet creating a water check/drip directing any water that was to track back under the roof sheet into the gutter.

5.02 Where checked we did not identify any failings in the roof sheets i.e. splits in the aluminium sheets due to insufficient allowance for thermal movement which could be likely to lead to the water ingress being experienced into the building.

5.03 Therefore in my opinion where checked I am not of the opinion the leaks being experienced are due to failings in the actual roof sheeting itself but more likely due to poor execution of the detailing around the roof perimeter, interfaces and penetrations through the roof. and therefore, I don't believe replacement of the roof in its entirety is a necessary course of action in the short to medium term.

5.04 Opening up of the roof has identified water staining on the VCL. This could come from water entering at the roof lights via the poor flashing detail and or the vent caps. There is some evidence of condensation on the underside of the aluminium roof sheets. However, at this time of year with current ambient temperatures it is not surprising to find condensation drips on the underside of the aluminium and I suspect this seasonal rather than being a defect in the roof's construction, also the insulation didn't show any indication of constant wetting from moisture dripping onto it from above.

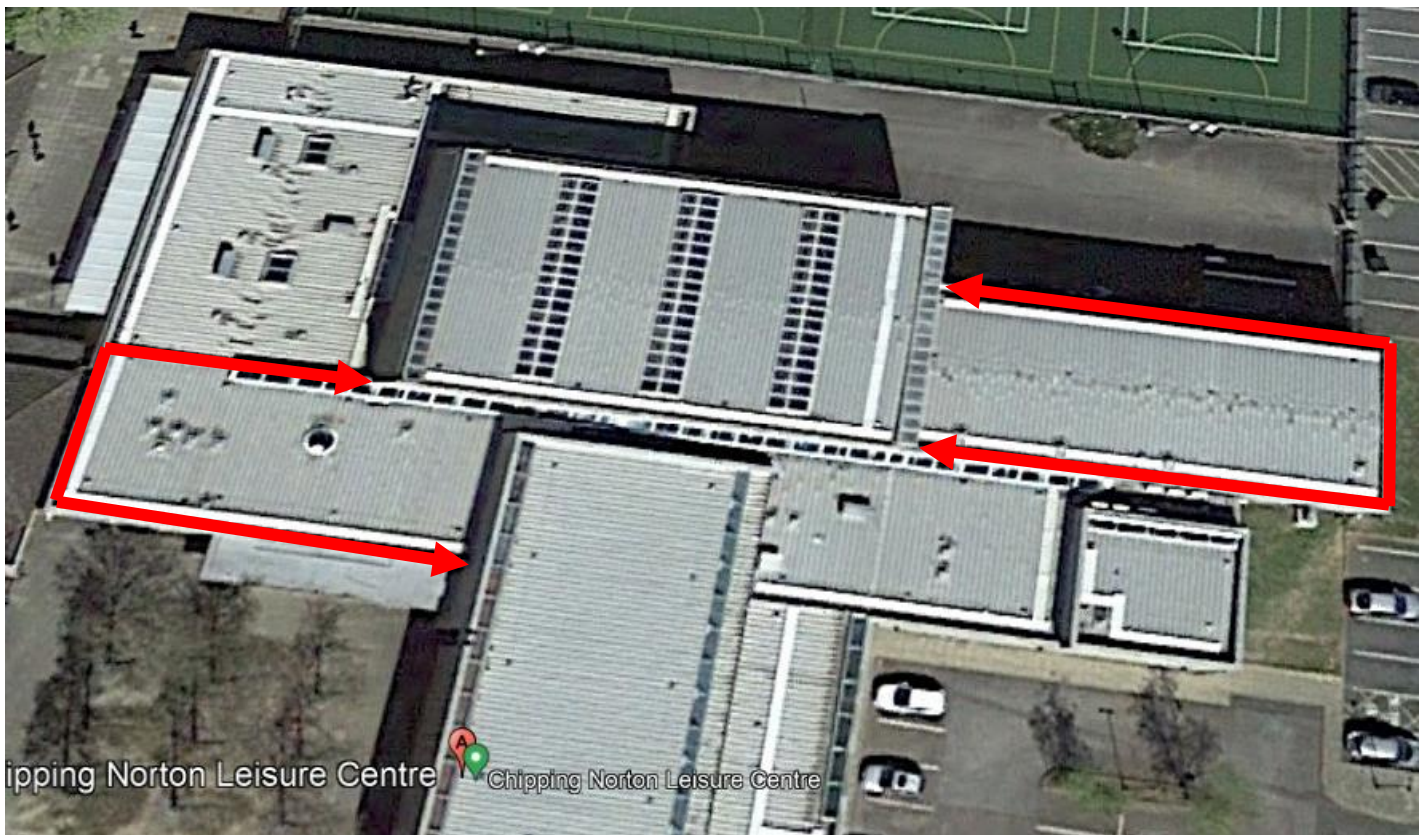
- 5.05 The drip flashing along the length of the roof light has been installed with a back fall allowing water to pool along the back edge of the flashing. Where the butt joints have failed water will drain into two areas, either on to the VCL and drain down to the roof eaves leading to some of the mould and water ingress in the reception area, and staff rooms. The other area water from entering the building via the drip flashing to the roof lights is the corridor are immediately below the roof light.
- 5.06 Water ingress into the corridor could also be contributed to by the incorrect detailing of the cavity tray and lead flashing exacerbated by the poor detailing of the capping to the sports hall roof which is allowing water to drain down the wall directly above the lead flashing detail.
- 5.05 Another contributing cause of the mould in the reception area and staff room is leaks arising from the poorly sealed vent caps allow water into the roof build up.
- 5.06 Water ingress via the poor detailing of the metal capping's and associated dpm/dpc below the capping's which appears to be allowing water to drain into the parapet wall build up, from where it could access the roof build-up adding further to water ingress being experienced in the reception area and also the gymnasium.

## 6.0 RECOMMENDATIONS

### Short to Long term works

	<b>Aluminium Capping's</b>	Qty	£p
1	Carefully remove existing aluminium capping's and dispose of from site to the areas highlighted below	72m	
2	Cap off the existing cavity to parapet wall with 18mm marine grade plywood allow for associated packings and timber bearers as necessary	72m	
3	Overlay marine plywood with foiled faced reinforced self-adhesive bitumen membrane and dress onto external faces of parapet wall N.E 50mm	72m	
4	Supply and fit new once weathered Ali-fabs Architectural capping system including all requisite concealed fixing straps and double jointing bracket complete with EPDM rubber seal, colour to be confirmed. Allow for all corners, upstands and stop ends tee junctions etc to be factory manufactured and <b>NOT</b> site fabricated. Allow for weathering new capping to existing and also weathering to brickwork	72m	

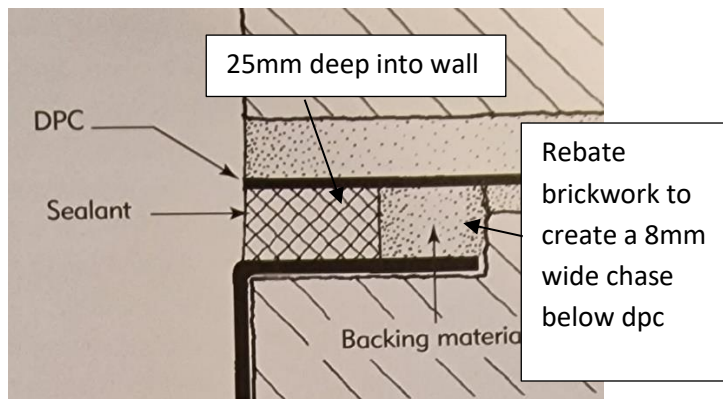
**Total**



**Lead Flashing to Rooflights**

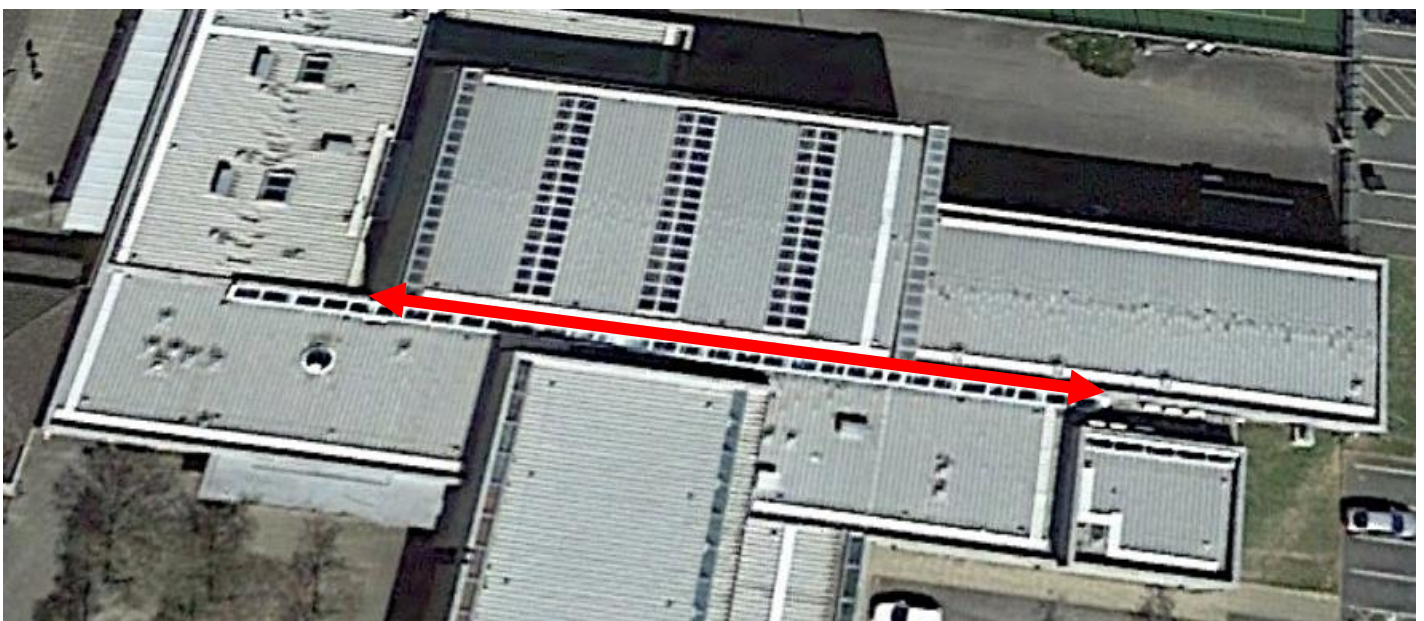
Qty            £p

- 5 Carefully remove existing lead cover flashings weathering the roof lights to the brickwork and dispose of from site to the areas highlighted below            46m
  
- 6 Carefully rebate the brick and below the dpc to create a chase 8mm wide chase immediately below the dpc, the new chase should be cut a minimum of 25mm into the brickwork creating a chase 8mm wide x 25mm deep.            46m
  
- 7 Supply and fit new 150mm code 4 lead cover flashing in lengths N.E 1500mm with a minimum of 100mm laps between pieces of lead. The new flashings should be dressed a minimum of 25mm into the newly created chase and wedged into position using lead wedges positioned at centres N.E 450mm.            46m



- 8 Point lead flashing into chase using lead sealing mastic and make good to any disturbed pointing above the existing dpc.            46m

**Total**

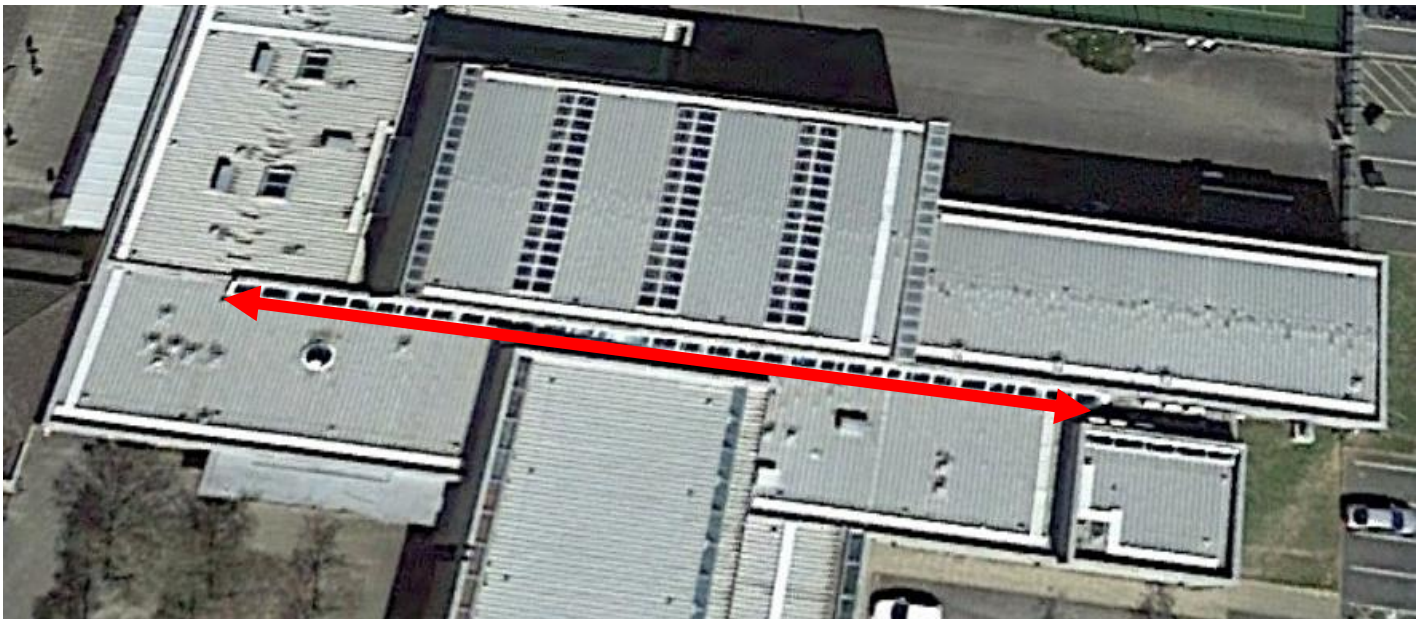


**Aluminium Cover Flashing to Rooflights**

Qty            £p

- 9 Carefully open butt joints to cover flashings weathering the roof lights to the roof and clean residual sealant off the butt straps and drip flashings and make ready to receive new butyl sealing strips.            57m
- 10 Apply new butyl sealing strips to both sides of joint and re-rivet drip flashing.            57m
- 11 Apply a reinforced liquid coating bandage (Triflex Pro-detail or equally approved) to the full girth of the drip flashing and 300mm wide (150mm either side of butt joint)            57m

**Total**





**Sports Hall Gutters**

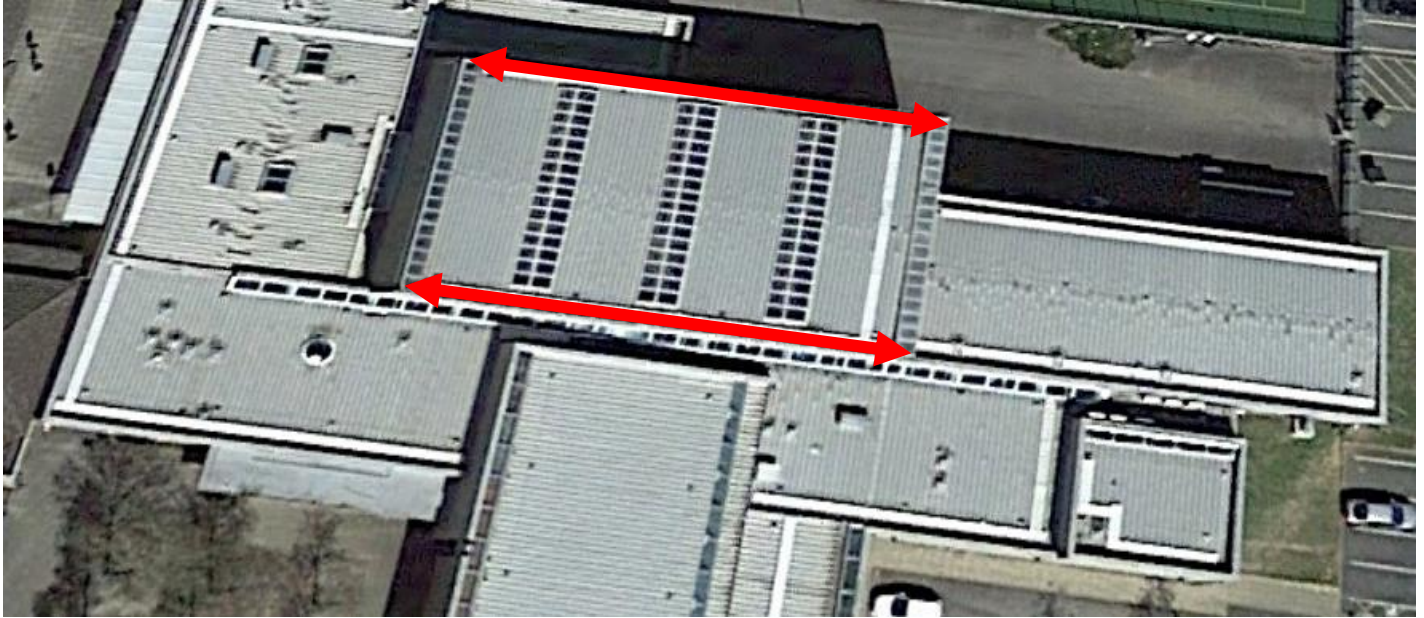
Qty

£p

- 12 Clean out eaves gutters to sports hall roof and prepare gutter for relining using a reinforced liquid coating (Triflex Pro-detail or equally approved) to full length of both runs of eaves gutters

72m

**Total**



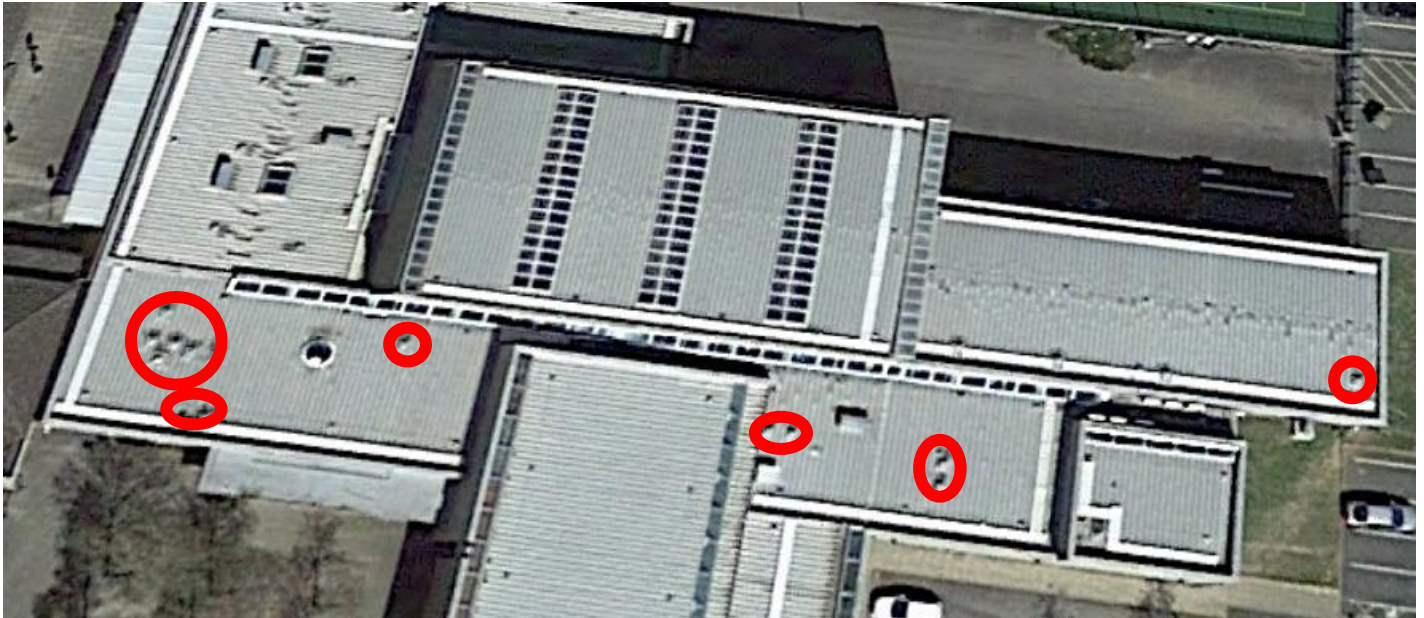
**Ventilation caps**

Qty

£p


- 13 Carefully disconnect ventilation ducts from ventilation cowls and remove existing ventilation caps complete and dispose of from site. 20 (prov qty)
- 14 Supply and fix with new vent caps and cowls ensuring the cowls are fully sealed to the metal caps. Allow for re-connecting ventilation duct once installed. 20 (prov qty)

**Total**



<b>Sundry Items</b>		<b>Qty</b>	<b>£p</b>
15	Allow a provisional sum of for attending to other items that may come to light during these works	Prov Sum	10,000.00

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 <p><b>WEST OXFORDSHIRE DISTRICT COUNCIL</b></p>	<p><b>WEST OXFORDSHIRE DISTRICT COUNCIL</b></p>
<p>Name and date of Committee</p>	<p><b>EXECUTIVE – 21 JUNE 2023</b></p>
<p>Subject</p>	<p><b>DEVELOPER CONTRIBUTIONS SUPPLEMENTARY PLANNING DOCUMENT (SPD)</b></p>
<p>Wards affected</p>	<p>All</p>
<p>Accountable member</p>	<p>Cllr Carl Rylett Executive Member for Planning and Sustainable Development Email: <a href="mailto:carl.rylett@westoxon.gov.uk">carl.rylett@westoxon.gov.uk</a></p>
<p>Accountable officer</p>	<p>Charlie Jackson, Assistant Director Planning and Sustainability Email: <a href="mailto:charlie.jackson@publicagroup.uk">charlie.jackson@publicagroup.uk</a></p>
<p>Report author</p>	<p>Kim Hudson, Principal Planner Email: <a href="mailto:kim.hudson@westoxon.gov.uk">kim.hudson@westoxon.gov.uk</a></p>
<p>Summary/Purpose</p>	<p>To consider the final version of the West Oxfordshire District Council Developer Contributions Supplementary Planning Document (SPD) and to recommend to Council that it be formally adopted.</p>
<p>Annexes</p>	<p>Annex A – Consultation Summary Report (June 2023) Annex B – Developer Contributions SPD – final adoption version (June 2023).</p>
<p>Recommendation(s)</p>	<p>That the Executive resolves to:</p> <p><i>a) note the contents of the report; and</i></p> <p><i>b) That subject to any amendments the Executive may wish to make, that Council be invited to formally adopt the final version of the West Oxfordshire District Council Developer Contributions Supplementary Planning Document (SPD).</i></p>
<p>Corporate priorities</p>	<p>Adoption of the Developer Contributions SPD will help deliver a number of corporate priorities as follows:</p> <ul style="list-style-type: none"> <li>• Putting Residents First</li> <li>• A Good Quality of Life for All</li> <li>• A Better Environment for People and Wildlife</li> </ul>

	<ul style="list-style-type: none"> <li>• Responding to the Climate and Ecological Emergency</li> </ul>
Key Decision	No
Exempt	No
Consultees/ Consultation	<p>The SPD has been the subject of two separate periods of public consultation, an initial draft which was the subject of consultation from 9 November – 21 December 2020 and a revised draft which was the subject of consultation from 17 October – 14 November 2022.</p> <p>Attached at Annex A is a consultation summary report which sets out the comments received at both stages and how these have been taken into account in preparing the final proposed adoption version of the SPD attached at Annex B.</p>

## **1. 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 an optional charge. Local authorities can also mitigate the impact of new development and enhance quality through the use of appropriate planning conditions.
- 1.3** The Developer Contributions SPD has been prepared 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.
- 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.

## **2. BACKGROUND**

- 2.1** Work on the SPD began in 2020 with an initial draft version being published for consultation from 9<sup>th</sup> November to 21<sup>st</sup> December 2020. 25 responses were received from a variety of Town and Parish Councils, developers and landowners, other local authorities, statutory bodies and individuals.
- 2.2** Those comments were taken into account in the preparation of a revised draft version of the SPD which was the subject of a second period of public consultation from 17 October to 14 November 2022.
- 2.3** Key changes made at that time included:
  - Greater clarity on which local plan policies specific developer requirements relate to;
  - Revised structure and content 'slimmed down' to make it easier to understand and read;
  - Additional emphasis placed on the importance of early engagement with Town and Parish Councils and other key stakeholders;
  - Additional information included on proposed monitoring costs; and
  - Other minor factual updates and improved clarification.
- 2.4** The second period of public consultation was run on the Council's new digital engagement platform 'Commonplace' which has been funded through the Government's PropTech Digital Engagement Fund. As a result, the consultation received a good level of interest, with a total of 29 responses from a variety of Town and Parish Councils, developers and landowners, other local authorities, statutory bodies and individuals.

**2.5** Alongside the responses to the SPD, the Commonplace platform allowed respondents to put forward specific ideas on infrastructure projects they feel are needed in their local areas which has given Officers very useful information to take forward into the review of the Local Plan.

**2.6** Attached at Annex A is a consultation summary report which sets out the comments received at each stage in full and how they have been taken into account.

### **3. DEVELOPER CONTRIBUTIONS SPD – FINAL ADOPTION VERSION**

**3.1** Attached at Annex B is the final, proposed adoption version of the Developer Contributions SPD.

**3.2** A number of amendments have been made to the SPD to respond to the comments which were raised through the most recent consultation last year. These comments are set out in full in the consultation summary report attached at Appendix A. The report explains what changes have been made and why. Where no changes have been made in response to a comment, the reason for that is also explained.

**3.3** For ease of reference, the main changes which have been made to the SPD in light of the responses received can be summarised as follows:

- Additional clarity provided in relation to the status and role of the SPD i.e. supplementing existing Local Plan policies rather than setting policy;
- Reference to the ongoing review of the Local Plan being likely to necessitate an update of the SPD in due course;
- Text updated to refer to the aims of the new Council Plan;
- Text updated to refer to anticipated consultation on a draft CIL charging schedule later this year;
- Additional text added to emphasise that many potential developer contributions are cross-cutting and inter-related e.g. health and well-being linked to the climate and ecological emergency;
- Additional text to provide a clearer definition of what is meant by affordable housing;
- Additional sources of information referenced – particularly where these are being used to support particular thresholds or standards for provision (e.g. in relation to sport and leisure contributions);
- Additional reference to developers being encouraged to provide facilities at an early stage in the interest of healthy place shaping and community cohesion;
- Text updated to reflect the Biodiversity Net Gain requirements of the Environment Act 2021 with additional reference added to the potential use of conservation covenants to secure off-site gain where appropriate;
- Additional reference included in relation to water quality alongside flood risk, water management and drainage;



- New appendix added to provide some worked up examples of potential sports and leisure contributions;
- Monitoring fees updated to reflect the approach taken in Cotswold District Council (and also a similar approach taken at Cherwell District Council) with additional clarity provided on what such fees will be spent on;
- Minor formatting/wording changes to improve internal consistency; and
- Various factual updates to reflect changing circumstances and available information.

**3.4** Generally speaking most of the amendments are relatively minor in nature with the most significant change being in relation to proposed monitoring fees. These are materially different to those which were previously proposed and in most cases, will represent an increase in the amount developers are required to pay.

**3.5** The principal reason for making this change is to provide consistency with Cotswold District Council (CDC) who have recently adopted new monitoring fees. These are based on robust evidence and the method of calculation is simple and transparent. It is also similar to the approach taken by a number of other local authorities including Cherwell District Council.

**3.6** Although the fees proposed are higher than suggested in the earlier draft SPD, the costs are considered to be fair and reasonable and will not exceed the estimated cost of monitoring relevant planning obligations.

**3.7** It is also relevant to note that Cotswold District Council use the same ICT system to monitor development as West Oxfordshire (EXACOM) and have a shared Principal Infrastructure Delivery and Monitoring Lead which lends further support to the adoption of a common approach.

#### **4. NEXT STEPS**

**4.1** Upon formal adoption, copies of the Developer Contributions SPD will be made available in accordance with legislative requirements, including the publication of an adoption statement. Those who have previously responded to earlier consultations will be notified and sent a copy of the adoption statement.

#### **5. ALTERNATIVE OPTIONS**

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

#### **6. FINANCIAL IMPLICATIONS**

**6.1** 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.

## **7. LEGAL IMPLICATIONS**

- 7.1 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.

## **8. RISK ASSESSMENT**

- 8.1 The report raises no specific risks.

## **9. EQUALITIES IMPACT**

- 9.1 The report raises no specific implications for any particular equality strand/protected characteristic.

## **10. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS**

- 10.1 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.

## **11. BACKGROUND PAPERS**

- 11.1 None.

**Annex A**

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

**June 2023**

## 1. Introduction

- 1.1 The District Council is in the process of preparing a supplementary planning document (SPD) on the topic of developer contributions. The primary purpose of the SPD is to explain the different types of developer contributions that exist, how they relate to each other and more specifically what type of contributions will be sought in West Oxfordshire.
- 1.2 To inform the new SPD, the District Council has undertaken two public consultations, firstly on an initial draft SPD in November 2020 and secondly, on a revised draft SPD in October 2022. The purpose of this consultation summary report is to provide an overview of who was consulted at both stages, the main issues raised by respondents and how those issues have been addressed.

### Consultation on initial draft Developer Contributions SPD (November – December 2020)

- 1.3 An initial consultation draft of the developer contributions SPD was published for a six-week period of public consultation from 9 November until 21 December 2020. 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.
- 1.4 In response, consultation responses were received from 25 organisations and individuals 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

- 1.5 Attached at Appendix 1 is a schedule of the comments received and how they were taken into account by the Council in preparing a revised draft version of the SPD which was then subject to further public consultation in October 2022.

Consultation on revised draft Developer Contributions SPD (October – November 2022)

- 1.6 Consultation on the revised draft version of the Developer Contributions SPD took place over a 4-week period from 17 October – 14 November 2022. As with the initial consultation in 2020, 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.

- 1.7 In response, consultation responses were received from 29 organisations and individuals as follows:

1. Oxfordshire County Council
2. Witney Town Council
3. Chipping Norton Town Council
4. The Woodland Trust
5. Thames Water
6. Sport England
7. Turley on behalf of the North Witney Land Consortium
8. Lichfields on behalf of Jansons Property
9. Gladman
10. Railfuture Thames Valley
11. Niki Holland

12. David Miles
13. Roger Tyres
14. Rosemary Hallam
15. Sue Ayers
16. Kenneth Wilkin
17. Amanda Epps
18. Rosalind Kent
19. Susan Moss
20. Sarah Jane Schenk
21. Graham Soame
22. Edward Stuart
23. Anonymous
24. Anonymous
25. Anonymous
26. Anonymous
27. Anonymous
28. Anonymous
29. Anonymous

- 1.8 Attached at Appendix 2 is a schedule of the written comments received and how they have been taken into account by the Council in preparing the final proposed adoption version of the Developer Contributions SPD.



**Appendix 1 – consultation responses received in response to the initial draft Developer Contributions SPD – November 2020**

<b>Aston, Cote, Shifford and Chimney Parish Council</b>	
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.
<b>Bampton Parish Council</b>	
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	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

<p>dwelling, 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.</p> <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>applied to any smaller sites is the subject of a separate process.</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><b>Barton Willmore on behalf of Goldfield Estates and Pandora Properties (Jansons)</b></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>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>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>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</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>the potential risks of double counting contributions via CIL and S106 Obligations towards the same piece of infrastructure.</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</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>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>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"> <li>• provide an opportunity to explore alternative approaches to infrastructure delivery which are often only achievable through development at scale.</li> <li>• 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.</li> <li>• 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.</li> </ul> <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>No change to the SPD needed.</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</p>

	<p>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>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</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>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>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><b>Blenheim Estates</b></p>	
<p>Issues raised</p>	<p>WODC response</p>
<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>
<p><u>Balancing Flexibility and Certainty</u></p> <p>Development will only take place when it is economically viable for it to take place.</p>	<p>Comments noted.</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 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>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 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>Two Tier Approach</p>	<p>Comments noted.</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.

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!

Addressing the nature of the existing local government structure in Oxfordshire is beyond the scope/remit of the SPD.

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 “Given that the West Oxfordshire Local Plan was adopted recently (September 2018)” 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><b>Bloombridge</b></p>	
<p>Issues raised</p>	<p>WODC response</p>
<p>The SPD could address the following matters:</p> <ol style="list-style-type: none"> <li>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.</li> <li>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</li> </ol>	<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"> <li>• We support the use of CIL for health care, fire, policing and ambulance contributions, subject to viability testing.</li> <li>• 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.</li> </ul>	<p><a href="#">Guide to Infrastructure Delivery and Contributions</a> 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><b>Blue Cedar Homes</b></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 1000m<sup>2</sup> 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>

<b>Charlbury Town Council</b>	
<b>Issues raised</b>	<b>WODC response</b>
<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><b>Crawley Parish Council</b></p>	
<p>Issues raised</p>	<p><b>WODC response</b></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>

<b>David Locke Associates</b>	
Issues raised	<b>WODC response</b>
<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><b>David Miles</b></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"> <li>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.</li> <li>2. More 'joined-up' work and liaison is required with WODC on funding requirements.</li> <li>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.</li> </ol>	<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>	
<p><b>Harry St John</b></p>	
<p>Issues raised</p>	<p>WODC response</p>
<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>
<b>Inspired Villages</b>	
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><b>Rosalind Kent</b></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><b>Natural England</b></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.

<b>NHS Oxfordshire Clinical Commissioning Group</b>	
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 <a href="#">Primary Care Estates Strategy 2020 – 2025</a>. 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>
<b>Turley on behalf of the North Witney Land Consortium</b>	
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"> <li>• Indoor sports and leisure facilities</li> <li>• Outdoor sports facilities</li> <li>• 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)</li> <li>• 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)</li> <li>• Community facilities</li> <li>• Community services including libraries, adult and children support services and museums</li> <li>• Burial space</li> <li>• Primary health care – including the potential requirement for provision of land or buildings</li> <li>• Secondary health care</li> <li>• Contributions towards extra care housing, care/nursing homes, adult and social care and family</li> <li>• Fire and Rescue – including the potential requirement for provision of land or buildings</li> </ul>	<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.

<p>We now consider some of the specific requirements proposed in turn.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p>	<p>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.</p> <p>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.</p> <p>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.</p> <p>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.</p> <p>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>
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	<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 &amp; 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"> <li>• Public transport services will be secured via a Section 106 financial obligation; and</li> <li>• Public transport infrastructure will usually be secured via Section 278</li> </ul> <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 &amp; 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 &amp; 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 &amp; 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 – 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 Under the “item” heading, amend text to: “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>



<b>Prior + Partners (on behalf of Grosvenor Developments Ltd)</b>	
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>

<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.</p> <p>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.</p> <p>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.</p> <p>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?</p> <p>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.</p> <p>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.</p>	<p>and each planning obligation will be considered on a case by case basis.</p> <p>The comments regarding waste water capacity are also noted. 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>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.</p>
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<b>Sport England</b>	
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>
<b>Vicky Gwatkin</b>	
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"> <li>• 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).</li> <li>• 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.</li> <li>• 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.</li> <li>• 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</li> </ul>	<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>



**Appendix 2 – consultation responses to the revised draft Developer Contributions SPD – October 2022**

<b>Oxfordshire County Council</b>	
Issues raised	WODC response
<p>Oxfordshire County Council (OCC) supports the preparation of a 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>OCC previously provided comment on the draft SPD in December 2020 and we welcome the changes made to the revised draft in response to our comments, which includes reference to OCCs Guide to Developer Contributions, published April 2021.</p> <p>Reference should be made to the potential for OCC to require a bond as security for the payment of contributions or in relation to the delivery of infrastructure, as well as potential need for forward funding.</p> <p>We are also requesting a number of minor changes to provide clarity or corrections.</p>	<p>Support noted and welcomed.</p> <p>Comments noted. The text of the SPD has been amended to refer to the potential need for a bond as security as well as the potential need for forward funding.</p>
<p><u>OCC Infrastructure Funding Team Comments</u></p> <p>Page 4</p> <p>2.1 Planning Obligations are sometimes referred to as developer contributions but not all developer contributions are planning obligations. Developer contributions via S278 and CIL are not planning obligations. To be correct the words in brackets '(sometimes referred to as planning obligations)' should be deleted.</p> <p>Page 5</p> <p>2.4 Not all planning obligations made under S106 are 'agreements'. A unilateral undertaking is made under S106 but is not an agreement. Better to refer to a deed rather than agreement.</p> <p>2.6 'Site-specific' could be interpreted as mitigation required to mitigate a particular development alone. But S106 can be used to mitigate the cumulative effect of a number of developments. Clearer to remove wording and just refer to the 3 tests.</p>	<p>Comment noted. Paragraph 2.1 has been amended to delete the text 'sometimes referred to as planning obligations'.</p> <p>The text at paragraph 2.4 has been amended to refer to 'deed' rather than agreement.</p> <p>The comment in relation to paragraph 2.6 is noted but no change is considered necessary as Section 106 agreements are focused on</p>

<p>Page 7</p> <p>Text relating to Section 106 Agreements refers to the ‘CIL tests’. Although they are often called the CIL tests due to being embodied in the CIL Regulations to refer to them as CIL tests here is misleading. Would be better to just say must meet the tests ...</p> <p>Page 15</p> <p>Primary and Secondary School Provision</p> <p>The term ‘contribution’ is used. ‘Contribution’ normally implies a financial contribution. May be better to refer to a ‘planning obligation’ as this would cover a contribution, land and direct delivery.</p> <p>6.12 The land to be transferred must be ‘freehold’ land.</p> <p>7. Transport and Movement</p> <p>Page 18</p> <p>Highway and Access – summary</p> <p>The ‘directly’ in the brackets should have ‘delivered’ after it.</p> <p>Page 19</p> <p>Summary</p> <p>The statement that ‘Improvements to public transport infrastructure...through a S278 legal agreement’ is misleading. Works required within the road are dealt with by way of S278 but poles, flags, cases, shelters and RTI are secured via financial contribution.</p> <p>Page 21</p>	<p>particular sites (albeit sometimes with potential cumulative impact taken into account).</p> <p>Comment noted. The text in Figure 1 has been amended accordingly.</p> <p>Comment noted. The term obligation replaces ‘contribution’ within the Primary and Secondary School Provision section.</p> <p>The text at paragraph 6.12 has been amended to clarify that the land to be transferred must be ‘freehold’ land.</p> <p>Highway and Access summary box. Added ‘delivered’ after ‘directly’.</p> <p>Comments noted. The public transport summary has been updated to reflect the fact that complementary works are secured via a S106 obligation.</p>
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<p>7.24 The information in OCC’s summary of travel plan threshold and monitoring fees is out of date. Needs updating or the link removed.</p> <p>Page 45</p> <p>11.13 There is no mention of a potential requirement for affordable extra care housing being delivered by the developer.</p> <p>Bonds</p> <p>There is no reference in the SPD that OCC may require a bond as security for the payment of contributions or in relation to the delivery of infrastructure. Reference can be made to OCC’s Developer Guide.</p> <p>Forward Funding</p> <p>There is no reference to the fact that infrastructure may be delivered ahead of S106 funding and that a financial contribution may be required to refund infrastructure provided.</p> <p>Appendix 1</p> <p>OCC would wish to have the opportunity to apply for CIL to be used at waste and recycling centres where appropriate.</p>	<p>Para 7.24 Link to travel plan and monitoring fees appears to be up-to date but removed link as suggested.</p> <p>Comment noted. The delivery of affordable extra care housing is explained in more detail in the Council’s Affordable Housing SPD. No action required.</p> <p>Added reference that OCC may require a bond as security (para 18.3).</p> <p>Added reference to forward funding in paragraph 18.3.</p> <p>Text amended to reflect that OCC may wish to apply for CIL to be used at waste and recycling centres.</p>
<p><u>OCC Transport Comments</u></p> <p>Chapter 7 – Transport and Movement</p> <p>Reference to LTP4 needs to be updated to LTCP throughout.</p> <p>Other amendments to text as below.</p> <p>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) or Statement (TS) and Travel Plan – the scope of which should be agreed with Oxfordshire County Council at an early stage including any future</p>	<p>Reference updated to LTCP rather than LTP4</p> <p>The other suggested amendments have been made to the SPD in line with the wording provided.</p>

<p>transport scenarios required. The County Councils guidance information can be found here: <a href="#">Transport for new developments   Oxfordshire County Council</a></p> <p>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. Some items of infrastructure may be required to be delivered in the future if other targets and forecasts are not met (see Decide and Provide requirements for Transport Assessment). Delivery of these items may be needed after a period of monitoring and will be secured through a S106 agreement and associated bond.</p> <p>7.6 Direct infrastructure provision required to mitigate development will usually 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.</p> <p>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:</p> <ul style="list-style-type: none"> <li>• to support the development of new bus services;</li> <li>• to increase the frequency of existing bus services;</li> <li>• to maintain and develop existing bus services where these would otherwise be subject to reduced frequency or cease to operate; and</li> <li>• for installation and maintenance of Real Time Passenger Information (RTPI) bus stop infrastructure such as Real Time Passenger Information (RTPI)</li> </ul>	
<p><u>OCC Education Comments</u></p> <p>Section 6.2 In West Oxfordshire, there are a total of <b>48</b> primary schools, <b>one</b> infant schools, one nursery, one special school and seven secondary schools.</p> <p>The footnote on page 15 links to an old version of the Pupil Place Plan and should be changed to: <a href="#">Planning enough school places   Oxfordshire County Council</a>.</p>	<p>Amended figures and updated link</p>

<p><u>OCC Public Health Comments</u></p> <p>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) the Integrated Care Board for Buckinghamshire, Oxfordshire and West Berkshire.</p> <p>Other aspects of primary care are also now being commissioned by the ICB (Integrated Care Board), not NHS England. Note, missing close bracket after optometry services.</p> <p>11.5 The Oxfordshire Clinical Commissioning Group (OCCG) has agreed a new Primary Care Estates Strategy.</p>	<p>Text amended to reflect that other aspects of primary care are also now being commissioned by the ICB (Integrated Care Board).</p> <p>Added bracket after optometry services.</p> <p>Text updated to refer to new Integrated Care Strategy (March 2023)</p>
<p><u>OCC Biodiversity Comments</u></p> <p>Chapter 9 – Climate and Environment</p> <p>We welcome that WODC recognise the need to secure developer contributions in some circumstances where off-site biodiversity net gain (BNG) provision is necessary. In addition to Section 106 and planning conditions, WODC may also wish to consider the use of conservation covenants to secure off-site BNG.</p>	<p>Added text regarding the potential use of conservation covenants to secure off-site BNG.</p>
<p><u>OxLEP Comments</u></p> <p>OxLEP welcomes the inclusion of a Community Employment Plan policy within the Revised Draft Developers' Contribution SPD for West Oxfordshire District Council.</p> <p>The Skills Advisory Panel, a sub-group of OxLEP has been working over recent years to ensure we have the right skills infrastructure in place to meet the needs of Oxfordshire's economy – both current and projected. Our work has led to £24m of skills capital investment to support a wide range of sectors important to the region – including hospitality, STEM, high performance engineering and construction.</p> <p>We are keen to support planning policy development to ensure that training and skills opportunities deriving from local development meets the rapidly changing needs of our economy, particularly in occupations and industries that experience skills and labour shortages. Community Employment Plans look</p>	<p>Added text to reflect that community employment plans can be sought where appropriate for the construction phase of the development and for the end-use phase of development.</p> <p>Added text to make clear that an alternative contribution may be sought to provide skills and training opportunities for the local community where a CEP is not suitable.</p>

<p>to achieve this by creating opportunities on-site and working with partner organisations in the education and employment sector to support the outcomes.</p> <p>West Oxfordshire’s Local Plan makes clear reference within CO7 for the need to consider the skills infrastructure for sustainable economic growth, add value to the local economy and provide diverse local employment opportunities. Community Employment Plans help achieve this objective. The Local Plan also clearly refers to the Council seeking Community Employment Plans for developments (typically 1,000 or more homes and/or 4000 sqm of floorspace) within paragraph 6.12.</p> <p>We would suggest that wording could be improved within the SPD to distinguish that community employment plans can be sought where appropriate for the construction phase of the development and for the end-use phase of development (for example, a science-park, logistics warehouse).</p> <p>We would also suggest strengthening the policy wording so that in cases where a developer does not agree to a Community Employment Plan then an alternative contribution would be sought to provide skills and training opportunities for the local community.</p>	
<p><b>Witney Town Council</b></p>	
<p>Issues raised</p>	<p><b>WODC response</b></p>
<p>Witney Town Council welcomes the Developer contributions (Supplementary Planning Document) Consultation and would like to acknowledge and express thanks for the improved clarity of the document in response to the points it has previously made.</p> <p>There is however, one former point which does not appear to have been addressed which relates to CIL.</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. The Town Council is still in favour of CIL because a portion comes to Town and Parish Councils to target funds where they are needed, and it believes no larger developments should have zero CIL.</p> <p>Section 7.6 (Highways &amp; Access) This gives some examples of the sorts of highway modifications that might incur Section 278 agreements. We ask that cycleways and footpaths be included in the examples so that</p>	<p>The support expressed is noted.</p> <p>The comments relating to CIL are noted however the setting of CIL rates (including in relation to strategic sites) is the subject of a separate process including independent examination.</p> <p>Comment noted. Section 7.6 has been amended to include reference to cycleways and footpaths.</p>

<p>developers are not surprised when District planners, County highways and active travel departments, working together, request them.</p> <p>Section 8.14 (Outdoor Sports (e.g. Pitches &amp; Playing Courts) This deals with the Playing Pitch Strategy and is a welcome paragraph. We ask that this paragraph also includes a statement that requires pitches to be delivered at an early phase in the development. We would like the paragraph to indicate a mechanism by which this phasing can be enforced. (Rationale - we have a situation whereby Madley Park is over 15 years old and still has no pitches, and Windrush Place is several years old, with pitches still 18 months away. We wish to avoid these phasing delays).</p> <p>Section 10.15 (Community facilities and community development) This point states that these should be phased early in the development. We welcome this paragraph but would change 'should be' to 'must be' and we note that we have not seen this with Windrush Place so we want the paragraph to indicate a mechanism by which this phasing can be enforced.</p> <p>Section 15.2 (Utilities) This states that occasionally a utilities undertaker refuses to invest in the necessary upgrades and therefore developer contributions may be sought. It is widely understood that Thames Water, even with its current AMP and planned upgrade of Witney Sewage Treatment Works, is not planning for the full capacity of Witney's planned developments and is therefore refusing to "cover all the costs associated" with strategic sewage infrastructure. We wonder if sewage costs that could upgrade Witney's tank capacity and plant further could be sought from developers, to remove any economic argument Thames Water makes. This last comment (15.2) is feedback on how WTC expects the policy to be applied, not necessarily a suggestion for edits to the policy. The other comments are editorial suggestions to elicit desired outcomes form the policy.</p> <p>The Town Council understands the rationale behind the introduction of the District Council's new web-based resource, Commonplace, regarding community infrastructure. Although a valuable and excellent, inclusive engagement tool, the Town Council would like to highlight that its members speak to residents regularly in their elected capacity and the town council's official developer funding requests are made through its planning consultation and committee processes for transparency. The town council currently has</p>	<p>Comment noted. The text in relation to outdoor sports and community facilities has been amended to refer to the District Council working with developers to ensure early stage provision in the interests of healthy place shaping and community cohesion.</p> <p>Comment noted. As above, the text has been amended but it is beyond the scope of the SPD to specify that early provision must be made because the timing of provision will depend on a number of factors.</p> <p>The comments relating to utility provision are noted. The SPD makes it clear the circumstances in which developer contributions may be sought towards capacity improvements.</p> <p>The comments relating to the Council's digital engagement platform are noted. The platform is not intended to replace Town and Parish Council funding requests but rather provide members of the public to put forward individual views on potential</p>
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<p>infrastructure and Open Spaces Strategy Plans (attached) which encompass aspirations which it hopes may be able to be included as District Council appendices.</p>	<p>infrastructure improvements that may be needed in their local area.</p>
<p><b>Chipping Norton Town Council</b></p>	
<p>Issues raised</p>	<p><b>WODC response</b></p>
<p>Chipping Norton is scheduled for massive housing development as part of the West Oxfordshire Local Plan. When the Local Plan was written promises were made to the communities affected that housing development would bring with it the investment in infrastructure to remedy new and existing problems. We all know that housing developers are private businesses and expect to make a profit - but the current situation embeds overly generous profits for the developer at the expense of infrastructure for local communities and fails to deliver the infrastructure local communities need, in the short term and moving forwards. People living in our town understand the need for new development, but this must be paired with appropriate investment in facilities and infrastructure.</p> <p>Affordable Housing: Some contradictory information has been received about affordable housing, and it would be beneficial to have more clarity about the provision of affordable housing in new developments. It is unclear if affordable housing will need to be provided onsite or offsite, and whether this will be included at the master planning stage. There also needs to be a consistent definition about what affordable housing is, and be stated clearly in the SPD.</p> <p>East Chipping Norton SDA: The Town Council had high expectations that this development would not only be an exemplar, but would also generate significant funding. The continued delay in producing a Masterplan, and our low expectations from the team producing it, leave us all in an uncomfortable limbo. Good design here would, of itself, mitigate some of the infrastructure issues.</p> <p>Access to vocational education post 16: The local school only caters for a level students post 16 leaving the more vulnerable students to travel for at least an hour each way on the bus to Banbury, Oxford or Witney. Whilst it might be impracticable to run courses more locally it would help these students to have better access to fast, reliable public transport. Whilst outwardly affluent, Chipping Norton has significant pockets of deprivation and better access to vocational education is essential.</p> <p>Road network: Our High Street is also the A44 trunk route from Oxford to Evesham. This means that our town centre is dominated by HGVs and other traffic. In addition the junctions at either end of the High</p>	<p>The general comments are noted.</p> <p>In relation to the issue of affordable housing, the SPD provides a summary overview of the requirements placed upon developers. An additional sentence has however been added to the SPD to provide a clear definition of affordable housing.</p> <p>Further information is set out in the District Council’s Affordable Housing Supplementary Planning Document adopted in 2021.</p> <p>The comments relating to the East Chipping Norton SDA are noted. There have been delays with the preparation of a masterplan for the site but this is beyond the District Council’s control with further information on potential archaeological interest currently awaited.</p> <p>The comments relating to the other specific categories of infrastructure (education, transport, active travel etc.) are all noted.</p> <p>The SPD provides a solid basis upon which to negotiate such improvements when</p>



Street are inadequate- at the north end we have two mini roundabouts so close together that many drivers don't know who has right of way and at the south end traffic from the A361 has no priority to join the continuous flow on the A44 leading to drivers taking unnecessary risks. There are few safe crossing places for pedestrians meaning that vulnerable residents and children in the south west of the town have difficulty accessing many of the town centre facilities. As there is little employment here many local people spend hours every day driving on congested roads to the science parks at Didcot and Abingdon- routes which have no readily available public transport.

Public transport: There is poor provision for bus access in the town centre. Most bus stops are on West Street A361, which is a major through route. When multiple buses stop at the same time- to allow passengers to change from one route to another- traffic builds up leading to traffic jams and poor air quality. Buses to Oxford and Banbury run hourly and take convoluted routes. Greater frequency and more direct routes might encourage higher take up. Many train users prefer to use the station at Oxford Parkway for a more reliable service- but there is no public transport to this station- and little to Kingham or Charlbury.

Pedestrian and cycle routes: We have no dedicated cycle routes for essential journeys or leisure. Many pavements are not wide enough for two people to walk safely side by side because vehicles have been prioritised in the limited space available. A number of key school routes have no safe crossing places.

Parking: The last WODC parking study for Chippy was in 2016 and concluded that, even then, 100 more places were needed. With the recent developments the problem has become worse. Our hope is that future developments will prioritise walking and cycling access to the town centre. But we also need to provide facilities for the Chipping Norton catchment area, most of which does not have a bus service, and for the growing number of visitors brought by local attractions.

Playing fields and open space: The town does not currently meet standards for access to playing fields and sports pitches, and most of the pitches that do exist are controlled by private clubs. As the town grows we need more public pitches, both to meet this deficit and to meet the needs of new residents. Despite being surrounded by countryside we have few public footpath routes out into the countryside- a fact that was made obvious during lock-down, when all public footpaths were in heavy use. Many public footpaths become so muddy at gateways during the winter that they are difficult to use.

development does come forward either at the SDA or elsewhere in Chipping Norton.

The review of the Local Plan will be accompanied by the preparation of a new Infrastructure Delivery Plan (IDP) or strategy which will provide another opportunity to consider the issues of concern which have been raised.

Destination park: Although we have a number of play areas with equipment for children and young people the town does not have a park with a wider range of facilities. For example none of our play areas have any car parking, toilets, refreshments, skateboard ramps or picnic areas. There is not even a sensible location for an ice cream van!

Community Centre: As our town grows we will need more affordable community buildings for hire.

Health and social care: The developments which have occurred since 2011 have distorted the demographic of Chipping Norton. With significantly fewer people of working age, and substantially more of the over 70s than even the Oxfordshire average, the Health Centre in particular has been stretched beyond its design capacity. With no conclusion reached about its potential for expansion, things can only get worse.

Emergency Services: Ambulance service is slow and poor as there is no local station.

Access to vocational education post 16: The local school only caters for a level students post 16 leaving the more vulnerable students to travel for at least an hour each way on the bus to Banbury, Oxford or Witney. Whilst it might be impracticable to run courses more locally it would help these students to have better access to fast, reliable public transport. Whilst outwardly affluent, Chipping Norton has significant pockets of deprivation and better access to vocational education is essential. Employment: There is a shortage of space for small business use- businesses often move out of town as they grow meaning local people have to travel further to work. There are few opportunities for work in high tech industries without significant travel.

Waste and Recycling: There is a lack of waste and recycling centres near to Chipping Norton. The facilities which used to be provided in the car parks (New St) have been removed. There is a need for a replacement for what has been removed from the car parks which could augment the kerbside collections. A drive-in centre near Greystones by the depot would be an ideal location.

Utilities: Water and sewage are both problems for Chipping Norton. Thames Water cannot cope with the current capacity, let alone the additional lode from the East Chipping Norton development. More cooperation between gas, water, and electricity companies is required.

<p>When the Local Plan was written commitments were made that developer contributions through Section 106 and CIL would be available to address the problems listed above. It is to be regretted that priority is being given to the profitability of developers over the needs of the people. With 60% of the land in East Chipping Norton in public ownership, the financial planning gain to the County Council must enable these issues to be resolved.</p>	
<p><b>The Woodland Trust</b></p>	
<p>Issues raised</p>	<p><b>WODC response</b></p>
<p>The emphasis on green space is welcome. Given the urgency of addressing the nature and climate crises, we would encourage setting a lower unit threshold / higher ha requirement for natural greenspace within the greenspace mix, and consider a specific target for woodland provision. Natural England’s Accessible Natural Green Space Standard recommends that all people should have accessible natural green space: – Of at least two hectares in size, no more than 300m (five minutes’ walk) from home. – At least one accessible 20-hectare site within 2km of home. – One accessible 100-hectare site within 5km of home. – One accessible 500-hectare site within 10km of home. – A minimum of one hectare of statutory local nature reserves per 1,000 people. The Woodland Trust has developed a Woodland Access Standard to complement the Accessible Natural Green Space Standard. This recommends that: – That no person should live more than 500m from at least one area of accessible woodland of no less than 2ha in size. – That there should also be at least one area of accessible woodland of no less than 20ha within 4km (8km round trip) of people’s homes.</p>	<p>The support for the emphasis on green space is noted and welcome.</p> <p>The comments in relation to the provision of natural green space are noted. The text of the SPD has been updated to refer to the Council’s previous Open Space Study (2013) which included a suggested threshold of 200 dwellings for the on-site provision of natural green space. The text however emphasises that consideration will be given to the desirability/feasibility of provision below this threshold.</p> <p>The most appropriate route for considering new thresholds and alternative standards such as woodland provision is considered to be the review of the Local Plan rather than through a Supplementary Planning Document, the primary purpose of which is to provide greater detail on the application of current policies.</p>

Thames Water	
Issues raised	WODC response
<p>We support the text in Section 15, especially where it specifically refers to water supply and waste water infrastructure at paragraph 15.4. However, we consider it could be further improved in relation to the comments/suggested wording below: It is important to consider the net increase in water and wastewater demand to serve the development and also any impact that developments may have off site, further down the network. The SPD should therefore seek to ensure that there is adequate water and wastewater infrastructure to serve all new developments. Thames Water will work with developers and local authorities to ensure that any necessary infrastructure reinforcement is delivered ahead of the occupation of development. Where there are infrastructure constraints, it is important not to underestimate the time required to deliver necessary infrastructure. For example: local network upgrades take around 18 months and Sewage Treatment &amp; Water Treatment Works upgrades can take 3-5 years. It is Thames Water’s understanding that Section 106 Agreements cannot be required to be used to secure water and waste water infrastructure upgrades. However, it is essential to ensure that such infrastructure is in place to avoid unacceptable impacts on the environment such as sewage flooding of residential and commercial property, pollution of land and watercourses plus water shortages with associated low pressure water supply problems.</p> <p>Water and sewerage undertakers also have limited powers under the water industry act to prevent connection ahead of infrastructure upgrades and therefore rely heavily on the planning system to ensure infrastructure is provided ahead of development either through phasing and Local Plan policies or the use of conditions attached to planning permissions. The provision of water treatment (both wastewater treatment and water supply) is met by Thames Water’s asset plans and from the 1st April 2018 network improvements will be from infrastructure charges per new dwelling. From 1st April 2018, the way Thames Water and all other water and wastewater companies charge for new connections has changed. The changes mean that more of Thames Water’s charges will be fixed and published, rather than provided on application, enabling you to estimate your costs without needing to contact us. The services affected include new water connections, lateral drain connections, water mains and sewers (requisitions), traffic management costs, income offsetting and infrastructure charges. Thames Water therefore recommends that developers engage with them at the earliest opportunity (in line with paragraph 26 of the NPPF) to establish the following:</p> <ul style="list-style-type: none"> <li>• The developments demand for water supply and network infrastructure both on and off site;</li> </ul>	<p>The comments are noted and the wording of the document has been strengthened to make it clear that there should be adequate water and wastewater infrastructure to serve all new developments.</p> <p>The revised text also emphasises the point about not underestimating the time required to deliver necessary infrastructure.</p>

- The developments demand for Sewage/Wastewater Treatment and network infrastructure both on and off site and can it be met; and
- The surface water drainage requirements and flood risk of the development both on and off site and can it be met.

Thames Water offer a free Pre-Planning service which confirms if capacity exists to serve the development or if upgrades are required for potable water, waste water and surface water requirements. Details on Thames Water's free pre planning service are available at:  
<https://www.thameswater.co.uk/developers/larger-scale-developments/planning-your-development/water-and-wastewater-capacity>.

In light of the above comments and Government guidance we consider that the New Local Plan should include a specific policy on the key issue of the provision of water and sewerage/wastewater infrastructure to service development. This is necessary because it will not be possible to identify all of the water/sewerage infrastructure required over the plan period due to the way water companies are regulated and plan in 5 year periods (Asset Management Plans or AMPs). We recommend the SPD include the following policy: "Wastewater/Sewerage and Water Supply Infrastructure "Where appropriate, planning permission for developments which result in the need for off-site upgrades, will be subject to conditions to ensure the occupation is aligned with the delivery of necessary infrastructure upgrades." The Local Planning Authority will seek to ensure that there is adequate water and wastewater infrastructure to serve all new developments. Developers are encouraged to contact the water/waste water company as early as possible to discuss their development proposals and intended delivery programme to assist with identifying any potential water and wastewater network reinforcement requirements. Where there is a capacity constraint the Local Planning Authority will, where appropriate, apply phasing conditions to any approval to ensure that any necessary infrastructure upgrades are delivered ahead of the occupation of the relevant phase of development."

<b>Sport England</b>	
<b>Issues raised</b>	<b>WODC response</b>
<p>Paragraph 8.14 is not sound. You should not use national standards (FIT's 6 acre standard) it should be local standards as per paragraph 98 of the national planning policy framework (July 2021). You have a robust playing pitch strategy and that is the evidence you should be using.</p>	<p>Comments noted. The text of the SPD has been amended to make it clear that the Council will have regard to the 2022 Playing Pitch Strategy.</p>
<b>Turley on behalf of the North Witney Land Consortium</b>	
<b>Issues raised</b>	<b>WODC response</b>
<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.</p> <p>As per our previous comments, the SPD should be updated to correctly reflect this changed national position. It is apparent that the SPD has not been subject to any viability testing. This is a major flaw with it. 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>The Council's CIL evidence base recognises the significant infrastructure requirements placed upon the SDA's, and consequently 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 requirements will be met on site and secured through appropriate Section 106 Agreements.</p> <p>It is important to note that the emerging CIL charging schedule was subject to detailed viability assessment, and this proposed that the SDA sites should be 'zero rated'. 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 comments are noted.</p> <p>Whilst the Local Plan whilst considered under the 2012 iteration of the NPPF, it was the subject of a whole plan viability assessment that was endorsed through the Local Plan examination.</p> <p>It is not necessary for the SPD to explain how the national policy position on viability has been amended since the Local Plan was adopted.</p> <p>The SPD does not introduce any additional policy requirements over and above the Local Plan and so it is not clear how it will in itself render development unviable.</p> <p>The text of the SPD has been amended in a number of places to make it clear which policy of the local plan each potential developer contribution relates to.</p>

It is essential that the preparation of this SPD should not fetter or obstruct in any way, the ability of the adopted Local Plan to support sustainable development over the period to 2036. We note that the PPG explains the role of SPDs and states that: "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." (our emphasis)

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 adopted Local Plan. It is noted that the Council have recently commenced a review of its Local Plan and it is considered that this would be the appropriate process through which to determine whether any changes are required.

The Local Plan Review will be supported by a detailed evidence base and subject to independent examination which would allow for a more rigorous assessment of the implications of any changes. Paragraph 3.4 of the Revised Draft SPD states: "It is important to note however than 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."

Whilst we recognise that this paragraph seeks to make clear that not all of the requirements will be applicable in all instances, our previously raised concerns remain. It is considered that the Revised Draft SPD could have significant implications for the quantum of development achievable on the SDAs allocated in the Local Plan and will result in significant delays in their delivery through seeking additional facilities and contributions that have not been allowed for through the Local Plan process.

This must be considered in the knowledge of the Council's current inability to deliver a five year housing land supply and therefore the imperative to seek to bring forward the allocation sites swiftly.

The SPD also makes it clear that not all of the potential contributions listed will be required from all developments and that the precise package of infrastructure secured will depend on a large number of factors.

The specific comments relating to the North Witney SDA are noted.

Notably, a number of the items listed (outdoor sports, play, allotments and other green space) are also referred to in Policy WIT2.

The inference made is that because a particular item of infrastructure is not mentioned in Local Plan Policy WIT2, then it will not be sought from the development.

This is not the case and effectively disregards the other more general local plan policies altogether such as those relating to the provision of open space and supporting infrastructure.

It is also not the case that all of the infrastructure items listed as examples in the consultation response will necessarily be sought as a developer contribution as this will depend on a number of factors including identified needs.

<p>We consider this further below.</p> <p>From our review of the Revised Draft SPD it appears the North Witney SDA could be expected to provide the following additional infrastructure components (in addition to the requirements already set out in the Local Plan Policy WIT2):</p> <ul style="list-style-type: none"> <li>• Indoor sports and leisure facilities</li> <li>• Outdoor sports provision</li> <li>• 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)</li> <li>• Allotments and other community growing space</li> <li>• Other Green Space (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)</li> <li>• Community facilities</li> <li>• Community services including libraries, adult and children support services and museums</li> <li>• Burial space</li> <li>• Primary health care – including the potential requirement for provision of land or buildings</li> <li>• Secondary health care</li> <li>• Contributions towards extra care housing, care/nursing homes, adult and social care and family safeguarding</li> <li>• Fire and Rescue – including the potential requirement for provision of land or buildings</li> <li>• Policing/community safety – including the potential requirement for provision of land or buildings</li> <li>• Ambulance service – including the potential requirement for provision of land or buildings.</li> </ul> <p>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.</p> <p>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.</p>	<p>It is also the case that certain items may be combined such as a community building which could also provide touch down space for emergency services.</p> <p>It is understood that the North Witney Land Consortium are currently preparing a masterplan for the North Witney SDA and it is assumed that this will include some form of site-specific infrastructure delivery plan or schedule.</p> <p>This will provide the opportunity for an appropriate package of infrastructure to be agreed within the overall context of the potential requirements that are set out in the SPD.</p>
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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.

It is notable that some of those components identified, such as burial grounds, were proposed within the submitted Hailey Neighbourhood Development Plan (2019) and were ultimately struck through by that Examiner. Whilst some of these were included as 'community aspirations' as noted in the Neighbourhood Plan, they do not have development plan status and are included as guidance on the community's aspirations.

The Revised Draft SPD 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. The Council have commenced a review of the Local Plan and if any amendments are required, this would be the appropriate process for these to be introduced and robustly assessed.

We now consider some of the specific requirements proposed in relation to North Witney 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 themselves 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 trust the above comments are of assistance in developing the SPD. We look forward to continuing to engage with the Council on the SPD and the proposals for the North Witney SDA but repeat our conclusion that as with the CIL assessment work, there is no evidence to support what is proposed in this SPD, and as such the requirements of this SPD should not apply to our clients' site.

As per our comments on the previous Draft SPD, it is considered that reference should also be included to the made Neighbourhood Plans in the District given these form part of the Development Plan. Similarly, the Salt Cross Area Action Plan examination is likely to be reaching its conclusion and once adopted will form part of the Development Plan and should be referenced in the SPD.

It is important that the SPD is prepared in the context of the Development Plan as a whole. We note that following consultation on a new draft Community Infrastructure Levy (CIL) charging schedule in summer 2020, no progress has seemingly been made (although the consultation document refers to further progress being anticipated during 2022). If CIL is to be introduced in due course this will likely necessitate updates to

<p>the SPD to ensure the two are in alignment. We would suggest that the Council should be undertaking that work at this time, with this SPD to follow on from it.</p>	
<p><b>Lichfields on behalf of Jansons Property</b></p>	
<p>Issues raised</p>	<p><b>WODC response</b></p>
<p>Jansons support the inclusion of the summary of S106 (CIL) tests within the revised draft SPD (para 2.6 and Figure 1). It is important that the emerging SPD recognises that a majority of the financial contributions being sought (including within SDAs) require a) evidence to justify how they meet Reg 122 of the CIL Regulations and b) workings of how they were calculated. In providing this additional information, WODC (and other stakeholders including Oxfordshire County Council (OCC)) should be mindful of the planning obligation tests.</p> <p>WODC need to fully consider the impact of the S106/infrastructure requirements on the viability of proposals. Whilst Jansons support the recognition of the importance of viability in the revised draft SPD (Section 16) they are surprised there is no reference to the Council’s viability evidence base that accompanied the WOLP and the Council’s viability assessment prepared to inform the preparation of the draft CIL Charging Schedule (January 2020).</p> <p>The revised draft SPD (para 2.12) explains that the CIL is not currently in place in West Oxfordshire District. The CIL evidence indicates that the five SDA’s in the WOLP, including the West Eynsham SDA, have marginal negative viability due to the significant infrastructure requirements associated with opening up the site and delivery.</p> <p>On the basis of the CIL evidence commissioned by WODC, the emerging CIL Charging Schedule consulted upon by WODC in 2020 proposed a zero CIL charge for the WOLP SDA’s (such as the West Eynsham SDA). It is suggested that the SPD recognises the need for negotiation where viability is an identified issue.</p> <p>WODC Officers will be aware that Jansons, in respect of their outline planning application (ref: 20/03379/OUT) on part of the West Eynsham SDA, have commissioned Montagu Evans to undertake a viability assessment and this will be shared with WODC shortly. Jansons is committed to working collaboratively with WODC and indeed other stakeholders such as OCC and the local community, to ensure the timely delivery of the SDA consistent with WOLP aims and objectives to meet local need.</p>	<p>Support noted. The SPD is clear in relation to the statutory tests which planning obligations must meet.</p> <p>The comments in relation to viability are noted. The SPD provides an overview of the national policy position in relation to viability. It is not considered necessary or appropriate to expand further on previous viability evidence commissioned by the Council.</p> <p>The comments relating to the Council’s previous CIL evidence are noted but it is relevant to note that this evidence has not been considered at examination and so carries limited weight.</p> <p>In relation to the need for negotiation, the SPD states that <i>‘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’</i>.</p>

<p>Section 106 and infrastructure discussions with WODC and OCC on the OPA and West Eynsham SDA (on behalf of the main Landowner/ Developer team - Jansons, Berkeley, Blenheim Strategic and OCC (Property and Facilities team) are currently ongoing. However, Jansons anticipate that a substantial amount of further information and negotiation is required to justify the infrastructure requirements identified and establish a set of agreed requirements.</p> <p>Jansons supports the emerging SPD (para 23.1) reference that “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.” Jansons recommend it is important the SPD makes specific reference to early engagement with (and by) WODC.</p> <p>It would also be helpful for the SPD to recognise that discussions on S106 and infrastructure matters should be speedy to avoid any potential delays in agreeing the S106/ infrastructure package to be provided, particularly in relation for the WOLP SDAs as such delays could exacerbate housing delivery within WODC (as reflected in inability to demonstrate a five-year housing land supply) which risks undermining the planned approach sought by the Council.</p> <p>The Jansons land in the SDA is both the first phase of the SDA and vital in terms of the initial provision of infrastructure – including the connection to the A40. An Outline Planning Application (OPA) (ref: 20/03379/OUT) on the Jansons land within the SDA was validated on 17th December 2020 for “(with all matters reserved except for access) for residential development together with open space, landscaping, parking and all associated infrastructure and engineering works” but has yet to be determined by WODC. Barton Willmore (BW representations) on behalf of Jansons submitted detailed representations to the consultation on the initial draft version of the SPD in December 2020.</p> <p>As explained in these previous representations Jansons 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 (CIL) Regulations 2010 (as amended).</p>	<p>The text of the SPD has been amended at paragraph 1.4 to make it clear that SPDs do not form part of the development plan and cannot introduce new planning policies into the development plan but are a material consideration in decision-making.</p> <p>The comments relating to the need for early engagement are noted and are reflected in the SPD text.</p> <p>The comments relating to the Strategic Development Areas (SDAs) including the West Eynsham SDA are also noted. There is however not considered to be a need to refer to the masterplanning work which has been undertaken for some of these sites.</p> <p>The intention of the SPD is to provide an overall framework setting out the potential contributions which may be sought from development, with reference to relevant local and national policy as appropriate.</p> <p>The Council recognises that specific dialogue is needed with the relevant landowner/developer teams responsible for bringing the SDAs forward, so that an appropriate package of infrastructure can be agreed in the context of scheme viability and other relevant considerations including evidence/justification.</p>
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Our comments below, on this current consultation, reiterate some of the concerns previously raised by the BW representations. 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. Overall it is helpful that the SPD is generally not formulaic (e.g in seeking specific requirements) and provides some further detail to the policies in the West Oxfordshire Local Plan (WOLP).

However, it is important that SPDs should not go further than Local Plan policy as explained in the National Planning Practice Guidance (PPG) (ref: Paragraph: 008 Reference ID: 61-008-20190315): “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.” We therefore recommend that WODC review the emerging SPD in this context.

It may be helpful for the SPD to refer to the PPG paragraph above and also the National Planning Policy Framework (NPPF) (pg 72) glossary which provides a definition of a SPD: “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.”

The revised draft SPD makes specific reference to the WOLP SDAs (including the West Eynsham SDA).

In this context the SPD should also make reference to masterplan documents that have been prepared for the SDAs including the West Eynsham SDA Masterplan document.

This includes a section on infrastructure provision. Jansons consider that there is a need for flexibility and a bespoke approach in relation to infrastructure funding and delivery at the SDAs having regard to the need for comprehensive development, the potential for phased delivery by different landowners and viability considerations.

<p>The analysis of matters and guidance within Sections 4 to 15 is helpful but the appropriate mechanism for bespoke S106 requirements is at the planning application stage having regard to the CIL tests, the Development Plan and other material considerations as well as viability.</p> <p>Viability matters considered during the course of S106 and infrastructure discussions are dynamic and may supersede elements of the Developer Contributions SPD. For example discussions with WODC (and also OCC) on the Jansons site/ wider West Eynsham SDA masterplan include more up to date financial and other assumptions than is contained within these sections.</p> <p>It is therefore important that developer contributions sought reflect the latest information (in the context of the West Eynsham SDA, this would include the West Eynsham SDA Masterplan document) and therefore it is recommended that the SPD is updated to reflect this.</p> <p>In addition, it would be helpful for the SPD to recognise that where developer contributions are sought from WODC and other stakeholders (such as OCC and/or town/ parish councils), there should be cooperation to ensure there is consistency. The SPD could also highlight that where developer contributions are sought from stakeholders then this should be supported by clear evidence/ justification.</p>	
<p><b>Gladman</b></p>	
<p>Issues raised</p>	<p><b>WODC response</b></p>
<p>Gladman acknowledge that monies derived from S106 and CIL (when the latter is in place in the future) can be spent on the same item of infrastructure given the deletion of Regulation 123 from the CIL Regulations (as amended).</p> <p>It is however worth including early on that funds from CIL and S106 can only be spent on infrastructure as identified in the Annual Infrastructure Funding Statements (“AIFS”).</p> <p>While this is mentioned later on in the document, outlining this towards the start would be useful for the purposes of clarity.</p>	<p>The comments in relation to annual infrastructure funding statements are noted.</p> <p>The text at paragraph 3.7 has been updated to make reference to the need for S106 agreements and other obligations to be recorded as part of an Infrastructure Funding Statement.</p> <p>The comments made in relation to monitoring fees are noted.</p>

<p>Gladman suggest including a point on this after paragraph 2.12 and inclusion of this within Figure 1 on page 7. Furthermore, when AIFS are raised at paragraph 3.7 this is only in relation to CIL, with no inclusion of S106; Gladman suggest that this is rectified.</p> <p>The section on monitoring fees for non-strategic developments needs referencing and full justification for transparency. ‘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.’ There is also a blank page that needs removing within this section.</p> <p>This representation is submitted in response to West Oxfordshire’s Developer Contributions Supplementary Planning Document (SPD). 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. These representations are also made in acknowledgement of West Oxfordshire’s response to Gladman’s initial consultation response in 2020 (Appendix 1).</p> <p>It is worth underlining that our suggestions are not to be inferred as criticism but to ensure robustness by highlighting areas that require clarity or edits so as to be in-line with the Development Plan and the NPPF (2021).</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. 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. The National Planning Policy Framework (NPPF 21) confirms this where it defines SPDs as: ‘Documents which add further detail to the policies in the development plan.</p> <p>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</p>	<p>This section has been updated to provide greater clarity and explanation of the approach to be taken.</p> <p>The comments made in relation to the role and purpose of SPDs are noted. The text of the SPD has been amended to make it clear that such documents cannot create additional policy requirements.</p> <p>The comments regarding formatting are noted but it is not considered necessary to number each of the green boxes within the document.</p> <p>In terms of unnecessary duplication, this comment is also noted but in relation to the example given (affordable housing) it is considered appropriate for the developer contributions SPD to provide a brief summary overview with the more detailed explanation of how the policy will be applied, deferred to the separate affordable housing SPD adopted in 2021.</p> <p>The comments regarding the assessment of cumulative impact are noted but it is not considered necessary to repeat these aspects of the County Council’s developer guide within the SPD – instead signposting the reader to the original source material is considered a more appropriate alternative.</p>
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<p>decisions but are not part of the development plan.’ 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>Gladman would make two points in relation to the text in green boxes that read like policies. Firstly, it would be apt to introduce numbers for these i.e., ‘1. Affordable housing’ so as to allow for easy reference by those making planning applications, or indeed for West Oxfordshire in response to applicants.</p> <p>Secondly, where the text in green boxes is simply a copy of Local Plan policy, one wonders the usefulness of this when the policies that are applicable say to Affordable housing contributions are referenced anyway.</p> <p>The SPD should be used to provide further clarity and explanation of the policies included within the development plan, not simply a copy of those that are already included. Gladman must stress that this does not occur with all text in green boxes/summaries of developer contribution by area but does with some.</p> <p>Gladman would suggest altering these to allow for either further clarity (without setting new policy parameters) or deletion from the contributions SPD. As stated above, an example would be the affordable housing summary on page 12, which copies Policy H3 of the Local Plan.</p> <p>The SPD makes reference throughout to Oxfordshire County Council’s Guide to Developer Contributions, for instance this is referenced in relation to the possibility assessments for cumulative development impacts on education and highways within paragraphs 6.5 and 7.7 respectively.</p> <p>Gladman would suggest that this is expanded so that readers know how assessment of cumulative impacts are undertaken. With this in mind, it may be useful to restructure the document so that those factors that are the primary responsibility of West Oxfordshire District Council come first, then followed by Oxfordshire County Council’s contributions remit – allowing for clearer reading. For instance, a clearer structure could include:</p> <ol style="list-style-type: none"> <li>1. Introduction and policy explanation</li> <li>2. West Oxfordshire section could include elements such as affordable housing, open space, green infrastructure, and social/community infrastructure</li> </ol>	<p>The comments regarding the structure of the document are noted but no changes are considered necessary in this respect.</p> <p>With regard to the issue of future evidence associated with the review of the Local Plan, the text of the SPD has been amended in the introduction to explain that the Council will update the SPD as further evidence is undertaken as part of the emerging plan review.</p> <p>The comments regarding the Environment Act are noted. The text of the SPD has been amended to clarify the position in relation to the mandatory 10% net biodiversity gain requirement.</p> <p>In terms of the use of unit thresholds, the text of the SPD has been updated in a number of places to clarify the source of the threshold with reference to the Local Plan and supporting evidence base as appropriate.</p> <p>Where a threshold has been identified with no specific reference to the Local Plan or supporting evidence, the threshold is clearly identified as indicative rather than a specific policy requirement. It is considered reasonable and appropriate for the SPD to do this.</p>
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<p>3. OCC section focusing on highways and transport infrastructure, education</p> <p>4. Other matters such as viability The SPD is encouraged to widen its stance on accounting for potential future evidence that could influence contributions, for instance CIL and the PPS which are currently in draft form.</p> <p>Gladman recommend that there is a section included within the SPD to explain the Council’s approach to future evidence, for instance how will the Council taken account of the reports undertaken as part of the emerging Local Plans evidence base? The SPD imposes unjustified numbers of housing that act as thresholds to contributions. These need to be justified as they are not included in Council Local Plan policies. This is summarised in the table below (note: table provided in original representation).</p> <p>Section 9.4 references the Environment Act 2021, which is welcomed, with the text box under paragraph 9.11 providing a summary of biodiversity contributions. Given the Policy EH3’s focus on enhancing biodiversity in the Local Plan, the broader implementation of the EA stipulations is encouraged until it is required through ratification in Q4 2023. Gladman support the aim of BNG and will look to implement this on-site where possible.</p> <p>Gladman welcome the opportunity to comment on the Revised Draft of the Developer Contributions SPD.</p> <p>Gladman recognise the effort that has been put into this document made by West Oxfordshire so far. There are a number of changes that need to take place to this SPD before it can be viewed as ‘sound’.</p> <p>Principally, the justification of unit number thresholds needs to be undertaken so as to properly relate to the adopted Local Plan and to be viewed as robust in the light of national policy.</p> <p>Typo - Paragraph 9.13 should state ‘Areas with West Oxfordshire which do not meet.’</p> <p>West Oxfordshire needs to consider how they will prioritise the contributions as not all contributions sought cannot be afforded. The approach to viability needs to be clear especially where there are challenges, and some contributions may need to be waived on viability grounds.</p> <p>The current five paragraphs on viability are not sufficient.</p>	<p>In terms of viability, Section 16 of the SPD purposefully provides a summary overview of the national policy position. It is not intended to provide an in depth commentary on all development viability considerations.</p> <p>The key point to note is that the text at paragraph 16.4 acknowledges that in some instances, negotiation will be necessary due to viability considerations.</p> <p>In terms of prioritisation, the Council’s Infrastructure Delivery Plan (IDP) provides an indication of which infrastructure projects are considered to be essential, desirable etc.</p> <p>It is not considered appropriate to introduce such a system of prioritisation into the SPD which is based on broader categories of infrastructure.</p>
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<p>It would be helpful to have prioritisation categories, such as:</p> <ul style="list-style-type: none"> <li>• Priority 1: necessary &amp; critical (roads, sewers, pedestrian crossings and so on);</li> <li>• Priority 2: necessary and important (affordable housing, education provision, on site green infrastructure and so on); and</li> <li>• Priority 3: desirable (specialist housing, public realm, and art).</li> </ul>	
<p><b>Railfuture Thames Valley</b></p>	
<p><b>Issues raised</b></p>	<p><b>WODC response</b></p>
<p>We are concerned that the Council has so far failed to implement a CIL scheme as this would widen the range of developments liable to make contributions. Many of the recent and proposed developments across the District are in unsustainable locations requiring the use of the private car to reach employment, education, health and other necessary locations and often leading residents without cars to be unable to reach such facilities and to have any employment.</p> <p>Where there is public transport, it is often restricted in its times of operation which means that shift workers, for example, cannot reach employment in a sustainable way or at all. We recognise that the County Council is responsible for transport policies but it is vital that WODC take a larger percentage from all developer contributions to make a meaningful impact on transport services. It has to be noted that transport services run across council boundaries and it is often a development in another district which contributes to improvements within WODC. For example, contributions in Cherwell led to improvements to the 488 service from Chipping Norton to Banbury providing better access to employment and health services for WODC residents.</p> <p>WODC must take a strategic network view across boundaries when considering contributions towards new bus routes, increased frequencies, etc. Currently bus services in the District are somewhat disjointed and there is a need for better access to and between Banbury, Chipping Norton, the Wychwoods, Burford, Charlbury, Witney and the rail stations.</p> <p>The most sustainable form of public transport is rail but to make best use of it requires good bus access matching train times as well as safe cycle and pedestrian routes. Priority should also be given to development locations with easy access to rail stations.</p>	<p>The comments made in relation to CIL are noted. This is the subject of a separate process including independent examination with further progress anticipated in 2023.</p> <p>The comments made in relation to the location of development and the need to improve sustainable travel options are noted.</p> <p>It is for this reason that the SPD emphasises the importance of securing developer contributions towards improved active travel and public transport opportunities.</p> <p>The District Council will continue to work closely with Oxfordshire County Council and other key partners to secure appropriate provision/contributions in this respect.</p> <p>In terms of the scale of development expected to contribute through Section 106, 10 dwellings is generally accepted as the definition of major development below</p>

<p>We welcome OCC’s Rail Strategy which includes re-opening of the Cowley branch line, with intermediate stations at employment locations, and improvements to the south of the County near the centres of science development. These improvements will bring major potential employment benefits to WODC residents with access via Kingham, Charlbury and Hanborough stations.</p> <p>It is particularly important that WODC developer contributions go towards service and capacity improvements at Hanborough and associated connecting bus services as these will provide vital benefits for the residents of the large housing developments in Witney, Eynsham etc seeking access to the main employment centres in the County.</p> <p>For similar reasons, in the medium term, providing a reinstated rail link between Carterton, Witney and Oxford will be vital.</p> <p>In the short term therefore WODC contributions should be made towards the preliminary study and design work for this link. To achieve the above, we request that specific changes are made to the text in the draft SPD.</p> <p>As all developments contribute to the transport problems across the District, contributions should not be limited to developments of more than 10 homes.</p> <p>Similarly they should not necessarily relate directly to the development. In the absence of CIL (and following changes to the provisions for s.106 not limiting them to local provision) and in view of the fact that public transport is a strategic, District, indeed County wide issue, contributions should be placed in a transport “pot” so that a joined up network can be developed and extended.</p> <p>This similarly applies to s.278 – transport infrastructure improvements can have a wider benefit than just the locality of the development. We are concerned that consideration of contributions is to be on a case-by-case basis – contributions should relate to the scale of development so that all developments pay their fair share. We should be pleased if you would take on board our comments and incorporate them into the final SPD.</p> <p>Please come back to us if you need further clarification on the points we have raised.</p>	<p>which such contributions will not generally be sought.</p> <p>Notwithstanding this, the SPD does recognise that in some instances, the cumulative impact of development may necessitate a contribution from smaller developments (e.g. in respect of transport and education contributions).</p> <p>CIL also has an important role to play in this respect.</p> <p>In terms of contributions relating directly to a development, this is a statutory requirement for planning obligations and therefore cannot be circumvented.</p> <p>Conversely, CIL is able to be spent on a more flexible, District-wide basis.</p>
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<b>Niki Holland</b>	
Issues raised	WODC response
<p>Spend all on building social housing.</p>	<p>Comment noted. The importance of increasing the supply of affordable homes is recognised in the text of the SPD.</p> <p>No further amendments are considered necessary.</p>
<b>David Miles</b>	
Issues raised	WODC response
<p>Section 106 developer contributions certainly play an important role in supporting public transport even if the percentage of total contributions is actually low. The existing 411 and 418 services linking Eynsham with villages to the north and south could never have been launched without it and for that we are certainly grateful. The idea is that this funding can support a service long enough so that it becomes commercial.</p> <p>Community transport is all about providing socially important services but cannot compete for commercial routes. What then happens when funding runs out? Section 106 is designed not to continually subsidise loss making routes but to improve them. Our services have grown to the extent of regularly carrying 90 passengers a day and taking up to 30 children to Bartholomew School in Eynsham each morning. This we feel is how we should be using such funding.</p> <p>To continue with our services we will always need to find extra funding. That does mean that we will keep an eye on local planning applications whilst maintaining a neutral stance on whether development should go ahead.</p> <p>Stanton Harcourt is only served by the 418 bus service and has seen 64 houses built in recent years at Hayfield Green with another 40 under construction at the nearby Deanfields development. We know from Freedom of Information that there is a considerable pot of section 106 money but that not a penny is allocated to public transport.</p>	<p>Comments noted. Contributions need to be flexible depending on local priorities and needs.</p> <p>The District Council will continue to work closely with Oxfordshire County Council as highway authority to secure appropriate developer contributions towards improved public transport within the District.</p> <p>The review of the Local Plan and associated update of evidence on future infrastructure requirements provide an opportunity to consider the other issues raised in this response.</p> <p>No further amendments to the SPD itself are however considered to be necessary.</p>

<p>Your guidelines talk of developments of more than 10 houses liable to provide funding for the provision of or improvements to public transport yet this does not appear to be the case in this instance. Any community may have other priorities and that is fine but maintaining a bus service is important to local communities.</p> <p>This is but one example and I can certainly name other instances where public transport in general and community transport in particular is being overlooked. Even if nothing changes in this instance I feel that there must be a cast iron guarantee that a fixed percentage of developer contributions is allocated to public transport. This will ensure a sustainable public transport network at no cost to the taxpayer. If this is not forthcoming the already depleted bus network in West Oxfordshire will decline further.</p>	
<p><b>Roger Tyers</b></p>	
<p>Issues raised</p>	<p><b>WODC response</b></p>
<p>The level of 'Affordable Housing' is too high at 50%. A maximum of 40% in Urban areas and 35% in Rural areas should be the maximum. This could then enable more funds for Education; Healthcare; Green Issues; Highways; Recreation and Leisure etc. to provide a better all around environment.</p> <p>I believe there needs to be more clarity in getting the message out to communities, particularly in Rural areas in terms of available funds and what they can be used for.</p> <p>I believe an increase in the amount sought for increasing the numbers of Health workers, Police etc. should be considered (Less affordable; better balance)</p> <p>To me it's more of trying to get simplification across the board by adjustment to the levels of contributions to vital infrastructure and services.</p>	<p>The comments on the level of affordable housing provision are noted but this is based on adopted policy from the Local Plan and therefore cannot be altered through the SPD.</p> <p>The policy does acknowledge however that in some instances, it may be necessary to revise this requirement downwards (e.g. where there may be viability concerns).</p>
<p><b>Rosemary Hallam</b></p>	
<p>Issues raised</p>	<p><b>WODC response</b></p>
<p>We need a much shorter document with a summary at the beginning.</p> <p>I have not been able to read all the above sections due to lack of time and due to health reasons. I'm sure I'm not alone in that respect and this applies to professionals and householders.</p>	<p>The comments are noted. The document was 'slimmed down' prior to the previous consultation including the summary at Appendix 1 to reduce the length of the overall report.</p>

	<p>Further reduction in the volume of text may result in the loss of important detail.</p> <p>A sentence has been added to paragraph 1.3 to signpost the reader to Appendix 1 as a 'quick guide' to what potential developer contributions are likely to be sought.</p>
<p><b>Sue Ayers</b></p>	
<p>Issues raised</p>	<p><b>WODC response</b></p>
<p>Instead of quoting sections of the legislation say just how much all this is costing.</p> <p>Again, saying you will make up your mind when appropriate is dishonest. There is NO mention of SOCIAL housing only affordable housing. Affordable to who I may ask.</p> <p>Self build should be encouraged in this age of austerity. Not for wealthy clients but for those building Scandinavian type houses which come as kits. 5% is a pitiable ambition. Until it is facilitated you have no idea of the take up.</p> <p>Nothing is clear since you have no idea who you are catering for or where the teachers are coming from. Are you building houses for teacher allocation?</p> <p>Public transport is non existent in most villages so we all drive. It is a self fulfilling strategy. As the local population ages and their children cannot afford to buy or even rent (there being no social housing) you will have a perfect storm of aging drivers who need all sorts of help.</p> <p>You have already closed the surgery at Madley Park. Building more surgeries will not fill them with doctors who do not exist.</p> <p>There are no police in this area so what will change. The only police we see are cars blowing off their sirens and rushing through at speed. Perhaps David Cameron could let us have some of his security allocation.</p> <p>What skills are you considering that the developers should contribute towards. Building skills perhaps?</p>	<p>The comments in relation to affordable and social housing are noted.</p> <p>Social housing is one of a number of forms of affordable housing.</p> <p>The text of the SPD has been amended to include a definition of affordable housing.</p> <p>The comments in relation to self-build are noted. 5% is the local plan policy requirement and so the SPD is not able to exceed this.</p> <p>The comments relating to public transport are noted. The SPD emphasises the importance of securing improvements through developer contributions accordingly.</p> <p>The comments relating to sewage and water quality are noted and the SPD text has been updated to refer to these issues accordingly.</p>

<p>There is no mention of sewage provision anywhere in your document. The current provision is obviously inadequate otherwise Thames Water would not be discharging tons of untreated sewage into the river and the stench of sewage in Witney would not exist.</p> <p>It is all 'where necessary directly fairly &amp; reasonably. This means never. Who is making these decisions ?</p> <p>SOCIAL HOUSING should be on the agenda as a matter of right for those who are never going to afford to live in this overpriced area.</p> <p>You need a proper theatre and Arts Centre. Ask the gentleman who is running the Corn Exchange. Witney is big enough now to support one and should be ashamed to be so philistine. Spending money on large ugly statues and sculptures is not the answer.</p>	<p>The review of the Local Plan and associated update of evidence on future infrastructure requirements provide an opportunity to consider the other issues raised in this response. No further specific amendments to the SPD are considered necessary.</p>
<p><b>Kenneth Wilkin</b></p>	
<p>Issues raised</p>	<p><b>WODC response</b></p>
<p>I reside in Woodstock and are therefore primarily concerned with this area. The GP premises in the town are a residential conversion are completely inadequate for the population growth which has recently occurred or is currently planned. By drilling into the attachments, with some difficulty I managed to ascertain that you don't consider Woodstock a priority. I do note that the document accepts that new premises are required, (and possibly planned), but no further details are provided.</p> <p>I note that you are planning for CIL to be introduced in West Oxfordshire. I believe you should be explaining what rate will be applied and how much of this will be spent in the area affected by the individual planning proposals.</p> <p>CIL rates of contribution and percentage available for improvements in the area affected by any planning consent granted.</p>	<p>The comments are noted and the Council is aware of the issue relating to primary health care provision in Woodstock.</p> <p>The purpose of the SPD is to provide a general overview of developer contributions that are likely to be sought rather than dealing with the specific circumstances of certain locations.</p> <p>As development comes forward in and around Woodstock, further discussions will need to be had regarding primary health care provision.</p> <p>The review of the Local Plan and associated update of evidence on future infrastructure</p>

	<p>requirements provide an opportunity to consider the other issues raised in this response.</p> <p>The comments regarding CIL are noted. As the Council does not yet have an approved CIL charging schedule in place, it would be inappropriate for the SPD to make reference to any potential CIL charges.</p> <p>The SPD will need to be updated in due course to take account of the introduction of CIL. This has been acknowledged in a revision to paragraph 1.9.</p>
<b>Amanda Epps</b>	
Issues raised	<b>WODC response</b>
<p>More emphasis on the need for contributions to provide waste and water structure improvement, additional school and health capacity.</p>	<p>Comments noted.</p> <p>Stronger emphasis has been added to the SPD on sewerage and the issue of water quality.</p> <p>The education section is considered to be sufficient with cross-reference to the County Council’s Developer Contributions Guide for those who wish to get into more detail.</p> <p>The health care section is also considered to be adequate for the purposes of this SPD.</p>



	Health care providers will have separate detailed plans which provide further information on health care capacity.
<b>Rosalind Kent</b>	
<b>Issues raised</b>	<b>WODC response</b>
<p>Developer contributions and obligations must be crystal clear and backed up by mandatory requirements.</p> <p>Developers have had a habit of waiting until the buildings are nearly completed, then producing reasons why they cannot comply with requirements on grounds of shortage of cash etc. The mandate must therefore be legally watertight and unarguable!</p> <p>Cannot find any reference to provision of on-site renewable energy, such as PV panels on every house, and of high grade house insulation. In view of the perilous progress of climate change these subjects should be covered by planning conditions which should be MANDATORY!!</p>	<p>The comments are noted.</p> <p>The purpose of the SPD is to provide clarity in relation to likely developer contributions with reference to local and national policy as appropriate.</p> <p>There is no reference to on-site renewables as this is not classed as infrastructure per se.</p> <p>It will be for the forthcoming Local Plan review to introduce appropriate policies to secure such provision in new buildings as well as the issue of retrofitting.</p>
<b>Susan Moss</b>	
<b>Issues raised</b>	<b>WODC response</b>
<p>Overall the structure of the document is clear but a tabular form is often easier to digest. However there are some issues which I think have been omitted or not considered - issues of waste surface water and sewage disposal from new developments - SUDS and localised sewage treatment capacity.</p> <p>The aim to put 50% affordable housing in high value areas does not take into account that these are the same areas with fewer services and poor public transport. Surely homes should be developed where houses are sustainable. Landscaping should be maintained by the developer a number of years after construction to ensure quality. Developers should not expect to create resident management companies to maintain the developments open spaces and shared facilities.</p>	<p>Comments noted. The potential requirements are summarised in tabular form at Appendix 1.</p> <p>The comments on water quality are noted and the SPD text has been bolstered in this respect.</p> <p>The comments in relation to 50% affordable housing are noted however this is the</p>

<p>As above 50% affordable homes in high value areas where there are fewer services and little public transport does not make sense. Any contributions to public transport is time limited and of little value in the long term when bus services cease - so some consideration needed. As many affordable homes are smaller m2, the provision of central or shared services increases</p> <p>Perhaps amount of contribution should be based on an equation linked to size, value and zone.</p> <p>There needs to be longevity..... consideration of the likely age range within the development and school projected capacity.</p> <p>Need to ensure speed of access to a property - signage and parking. Roads need sufficient width and turning area.</p> <p>Prefer use of Moloks - underground collective bins rather than surface bins. They improve the appearance of an area, especially where there are smaller homes or flats.</p> <p>More SUDS, separated sewage, local sewage treatment works, insistence on solar panels or local small turbines. The ageing infrastructure and capacity for Witney sewage works need investment. Any utilities need to be designed so they have longevity and can be used by different companies .</p> <p>Site construction hours and impact on neighbours. Enhancement of environment, local design vernacular.</p>	<p>position set out in the adopted Local Plan and so cannot be altered through the SPD.</p> <p>The flood risk section has been bolstered to address the issue of water efficiency and quality.</p> <p>The review of the Local Plan and associated update of evidence on future infrastructure requirements provide an opportunity to consider the other issues raised in this response.</p> <p>No specific amendments to the SPD are considered necessary in response.</p>
<p><b>Sarah Jane Schenk</b></p>	
<p><b>Issues raised</b></p>	<p><b>WODC response</b></p>
<p>Are we (Eynsham) getting a new surgery? It's not clear, Since Covid seeing a doctor has become very difficult</p> <p>I just don't understand it and how it will affect me. The traffic on the A40 is awful north of Eynsham, more junctions will slow it down even more.</p> <p>I just have to hope that those who have the power have seriously considered the effect the development will have on the A40, and how the new development will function, and effect Eynsham as a village.</p>	<p>Comments noted. The SPD does not deal with the potential requirements of specific locations.</p> <p>The Council is aware of the issues regarding primary health care capacity in Eynsham and is seeking to ensure through the Salt Cross AAP that land is reserved for general medical use to allow expansion.</p>

	The comments relating to the A40 are also noted. The County Council is progressing its A40 smart corridor project which will help to alleviate congestion at peak times through the use of dedicated bus lanes and improved walking and cycling routes.
<b>Graham Soame</b>	
Issues raised	<b>WODC response</b>
<p>Too many to mention, the day that councils "get" how to relate to both cynical developers and the rest of us with bullet point versions of these forms, and simplistic and robust ways to gain community taxes that are sorely needed, then whoopee! (It will never happen, and as a planner with 52+ years and still working, I've seen this stuff before)</p> <p>A wholesale and radical change that truly gets the community taxes to the right place. ALL residential developments add value, often without thought to the impact on community costs, so in principle I will always agree with this approach, but it's always too academic, too beyond the ordinary man, and so loses the public's confidence in the system. I see the day when planning departments are a bunch of robots with very few humans, glad I went private 35 years ago. And my approach is why I STILL get asked to help clients, have to bat them off, even at my extreme age!</p>	Comments noted. No amendments required to SPD.
<b>Edward Stuart</b>	
Issues raised	<b>WODC response</b>
Developers seem to be able to avoid creating custom and self-build housing	Comments noted. The Local Plan has an established requirement for 5% custom/self-build on larger residential schemes of 100 or more new homes.
<b>Anonymous</b>	
Issues raised	<b>WODC response</b>
Where housing development needs developer contributions to any aspect, these developments should be done in tandem with the project and not afterwards and subject to plans being approved. The case in point	Comments noted. Planning obligations are legal obligations entered into to mitigate the

<p>was Madley Park where the developers were asked to contribute to the Cogges Link Road and set aside &gt;£10m. The road had not received planning permission and didn't happen. The developer was off the hook for a sizeable contribution and there has been ongoing traffic congestion and pollution since. It would be very easy to envisage a similar situation in, for example, the second Windrush crossing required at the bottom of Hailey Rd to deliver the Witney North development. A simple and explicit rule: No planning permissions for supporting infrastructure = No development with a caveat that the monies that are set aside by the developer need to ring-fenced with no deadlines or tail-off criteria. An ESCROW type agreement.</p>	<p>impacts of a development proposal and are necessary to seek contributions towards infrastructure.</p> <p>The timing of provision of any infrastructure improvements will be agreed as part of the legal agreement.</p>
<p><b>Anonymous</b></p>	
<p>Issues raised</p>	<p><b>WODC response</b></p>
<p>This is really poor. It gives no real idea of how much any scheme might actually cost. It is really vague. Doesn't explain whether any of these things could be expedited via a simpler UU system. Also does not state how long the delays in legal might be nor that the council will charge for handling it all.</p> <p>Why have you asked no questions about the climate and environment section? Have you actually read the document and its chapters? Why is this not in sequence since when was archaeology ever in a S106- most often it is sufficiently well addressed via conditions, no contributions are paid, the developer pays directly, or are you thinking of changing the system perhaps? If so you should say so. The documents is far from clear.</p> <p>This document is scare mongering and not fit for purpose. It is a badly written wish list. Better start over.</p> <p>Why is there no draft s106? or UU? Doesn't say who should do the drafting of either</p> <p>It should use some worked examples and also should use some actual figures even if they are within a range. Otherwise the document is nearly pointless as it does not help developers at all</p>	<p>The comments are noted.</p> <p>The SPD has been amended in a number of respects to address some of the concerns raised.</p> <p>For example, additional information has been provided on costs associated with monitoring and legal support.</p> <p>The purpose of the document is to focus not only on S106 agreements but also planning conditions which are referenced accordingly in relation to archaeology.</p> <p>A draft proposed indemnity agreement is included at Appendix 4 including a unilateral undertaking and worked examples of leisure contributions have now been provided at Appendix 2.</p>

<b>Anonymous</b>	
Issues raised	<b>WODC response</b>
A clear and precise guide is required, all vague referring to different documents.	Comments noted. The SPD has been simplified as far as possible with Appendix 1 providing a summary table of potential developer contributions for ease of reference.

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**WEST OXFORDSHIRE  
DISTRICT COUNCIL**

**ANNEX B**

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

**June 2023**

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**Part I – About Developer Contributions**

## I. Introduction

- I.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.
- I.2 This is reflected in Policy OS5 of the West Oxfordshire Local Plan which expects new development to deliver, or contribute towards the timely provision of essential supporting infrastructure.
- I.3 There are several forms of developer contributions and the purpose of this Supplementary Planning Document (SPD) is to explain what those are and more specifically, what contributions are likely to be sought in West Oxfordshire. (For a quick reference guide to these potential requirements, please refer to Appendix I – page 69).
- I.4 It should be noted that SPDs build upon and provide more detailed advice/ guidance on policies in an adopted Local Plan. As they do not form part of the development plan, they cannot introduce new policies but they are a material consideration in decision-making.
- I.5 This 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.
- I.6 It has been developed following two periods of public consultation in November 2020 and October 2022. A consultation summary report has been published separately to show how the comments raised at each stage have been taken into account<sup>1</sup>.
- I.7 The 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](#) (April 2021).
- I.8 It also helps to support the new Council Plan which aims to enable a good quality of life for all by supporting a vibrant local economy, homes and infrastructure that meet people's needs, excellent health and wellbeing, tackling the climate emergency and ensuring equal access to opportunity for all.
- I.9 As the District Council is in the process of updating its Local Plan and introducing CIL, the SPD is likely to be updated at some point in the future to reflect any new policies/charges and supporting evidence.

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<sup>1</sup> <https://www.westoxon.gov.uk/planning-and-building/planning-policy/supplementary-planning-documents/>

1.10 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 are 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)

2.3 These are briefly summarised below.

### *Section 106 Agreements*

2.4 A Section 106 agreement<sup>2</sup> is a legally binding deed entered into by a developer to mitigate the impact of a proposed development. Often these deeds address items such as the provision of new affordable homes, sports, leisure and play facilities, education, transport and health.

2.5 Generally speaking, S106 agreements are only used in relation to larger development proposals (typically 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 tests<sup>3</sup>. 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 agreements<sup>4</sup> 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.

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

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

<sup>4</sup> Stems from Section 278 of the Highways Act 1980

- 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. Like S106 agreements, Section 278 agreements 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 can be spent more generally on infrastructure across a wider area.
- 2.11 Subject to viability evidence, different CIL rates can be charged based on the location, type and scale of development.
- 2.12 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. CIL is not currently in place in West Oxfordshire although it is envisaged that consultation on a new draft CIL charging schedule will take place later in 2023.

#### *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 effects<sup>5</sup>. Planning conditions should be kept to a minimum and only imposed where they are '*necessary, relevant, enforceable, precise and reasonable*'.

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<sup>5</sup> MHCLG Practice Guidance – Use of Planning Conditions Paragraph: 001 Reference ID: 21a-001-20140306

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

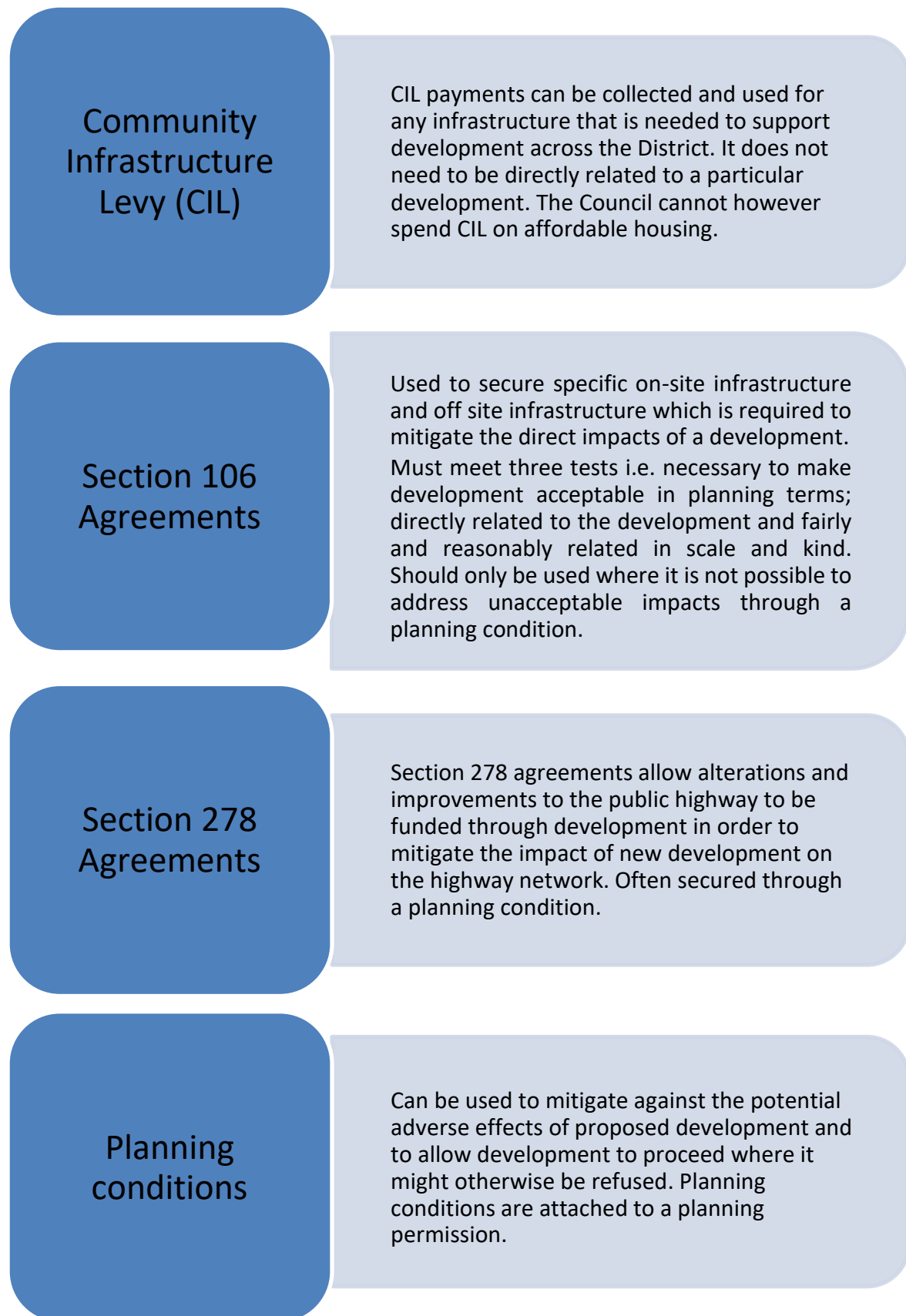
2.15 The various mechanisms outlined above are intended to co-exist and complement each other because they all do slightly different things.

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 (e.g. 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.

**Figure I – 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 Here we explain 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 The potential contributions are set out under the following headings:

- Affordable Housing
- Custom and Self-Build Housing
- Education
- Transport and Movement
- Sport and Leisure
- The Environment
- Community and Culture
- Health and Social Care
- Emergency Services
- Employment, Skills and Training
- Waste and Recycling/Waste Management
- Utilities

3.3 It should be noted that infrastructure related to topics such as climate change and healthy place shaping can be cross-cutting, with contributions helping to support the health and well-being of our local communities as well as tackling the climate and ecological emergency. Enabling walking and cycling by embedding healthy place shaping will, for example, help to encourage active travel and reduce reliance on the use of the private car.

3.4 A key component of healthy place shaping is shaping the built environment so that people can more easily access green space and encourage healthy exercise whilst securing biodiversity net gain which will help to address species decline and provide space for leisure and shade.

3.5 It is also important to note 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. Ultimately, any Section 106 requirement sought must be necessary, directly related and reasonable.

- 3.6 The indicative requirements should be read in conjunction with Oxfordshire County Council’s Guide to Developer Contributions (April 2021)<sup>6</sup> 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.
- 3.7 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 I provides an indication of how the District Council may choose to spend any future CIL receipts. This will be further updated once CIL is in place.
- 3.8 Further information on the infrastructure projects or types of infrastructure that the District Council intends to fund via CIL or S106 agreements (or any other agreement that secures funding or infrastructure as part of any new development) must be included as part of the Council’s Infrastructure Funding Statement – IFS published annually<sup>7</sup>.
- 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 housing<sup>8</sup>.
- 4.2 We define affordable housing as that which is affordable to those who cannot afford market priced housing locally to rent or purchase. 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.

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<sup>6</sup> <https://www.oxfordshire.gov.uk/residents/roads-and-transport/transport-policies-and-plans/transport-new-developments/developer-contributions>

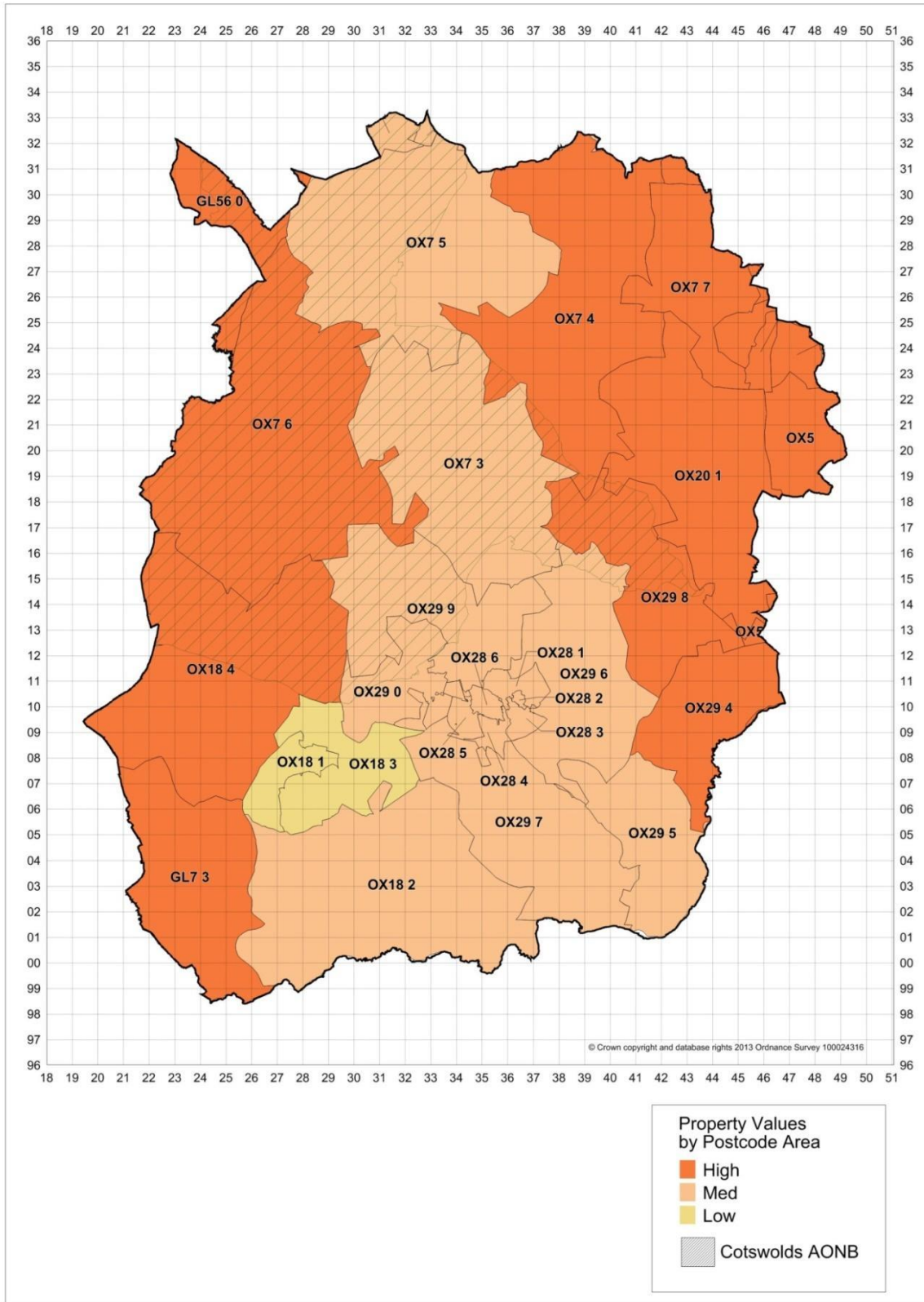
<sup>7</sup> <https://www.westoxon.gov.uk/planning-and-building/community-infrastructure-levy/infrastructure-spending-and-funding/>

<sup>8</sup> NPPF paragraphs 62 and 63 in particular

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 (see Figure 5a in the West Oxfordshire Local Plan 2031 – reproduced as Figure 2 below).
- In some instances on such larger schemes, a combination of on-site provision and a financial contribution may be appropriate.

Figure 2 – West Oxfordshire Local Plan 2031 'Value Zones'



**Affordable Housing – summary of developer contributions 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 1,000m<sup>2</sup> 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 housing<sup>9</sup>.
- 5.2 National policy<sup>10</sup> 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 website<sup>11</sup>.
- 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 contributions 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:**

<sup>9</sup> See NPPF Glossary

<sup>10</sup> NPPF Paragraph 62

<sup>11</sup> <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 can place strain on the capacity of existing schools. As such, the NPPF<sup>12</sup> 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 48 primary schools, one infant school, one nursery, one special school and seven secondary schools<sup>13</sup>. 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.

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<sup>12</sup> Paragraph 95

<sup>13</sup> Source: [Planning enough school places | Oxfordshire County Council](#).

### 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, was 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.

### Primary and Secondary School Provision

- 6.8 Oxfordshire County Council produces a Pupil Place Plan<sup>14</sup> 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 planning obligation 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 schools<sup>15</sup>.
- 6.10 Where planning obligations 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 guide, proposals involving 400 or more homes may require the provision of a new primary school (depending on existing provision).

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<sup>14</sup> [https://www.oxfordshire.gov.uk/sites/default/files/file/children-and-families/Pupil\\_Place\\_Plan\\_2019.pdf](https://www.oxfordshire.gov.uk/sites/default/files/file/children-and-families/Pupil_Place_Plan_2019.pdf)

<sup>15</sup> Note that temporary school accommodation is excluded when assessing existing school capacity.



- 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 for an obligation to fund land acquisition. Where land is to be transferred, this must be 'freehold' land.
- 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 to around 400 homes (depending in part on local need) the County Council will seek an obligation towards increasing the capacity of an existing school or schools or towards an off-site new school serving multiple developments. In some cases, obligations may be required towards temporary accommodation, where the permanent accommodation cannot be delivered in time to meet the need from population growth.

#### 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 responsible<sup>16</sup>. 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).

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<sup>16</sup> See Paragraph 42 of the Oxfordshire County Council Guide to Developer Contributions (April 2021).

**Education - summary of developer contributions to be sought:**

For larger residential schemes of 10 or more homes<sup>17</sup>, 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

**7. Transport and Movement**

- 7.1 The NPPF<sup>18</sup> 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*

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<sup>17</sup> Note: in some instances, smaller schemes may be assessed depending on their relationship to other developments as well as potential cumulative impacts.

<sup>18</sup> Specifically Section 9 – Promoting Sustainable Transport

- 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) or Statement (TS) and Travel Plan – the scope of which should be agreed with Oxfordshire County Council at an early stage including any future transport scenarios required. The County Councils guidance information can be found [here](#):
- 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 Some items of infrastructure may be required to be delivered in the future if other targets and forecasts are not met (see [‘Decide and Provide’ requirements for Transport Assessment](#)). Delivery of these items may be needed after a period of monitoring and will be secured through a S106 agreement and associated bond.
- 7.7 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, cycle and footways and safety related works such as traffic calming.
- 7.8 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.

**Highways and Access - summary of developer contributions to be sought:**

**For larger residential schemes of 10 or more homes<sup>19</sup>, where necessary, directly, fairly and reasonably related in scale and kind to the development, the provision of highway and access improvements (either directly delivered 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.**

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<sup>19</sup> 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**

**LTCP – Local Transport and Connectivity Plan. Adopted July 2022**

**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)*

- 7.9 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.
- 7.10 As the Local Highway Authority and Local Transport Authority, Oxfordshire County Council has statutory responsibility for public transport<sup>20</sup>, 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.
- 7.11 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.
- 7.12 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 towards the following:
- supporting the development of new bus services;
  - increasing the frequency of existing bus services;
  - maintaining and developing existing bus services where these would otherwise be subject to reduced frequency or cease to operate; and
  - installation and maintenance of Real Time Passenger Information (RTPI) and other related bus stop infrastructure

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<sup>20</sup> Under the Transport Act 1985, the Transport Act 2000, the Traffic Management Act 2004 and the Local Transport Act 2008

- 7.13 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.
- 7.14 Contributions towards enhanced rail improvements including linkages to the stations may also be sought from new development.
- 7.15 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.
- 7.16 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.
- 7.17 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 contributions to be sought:**

For larger residential schemes of 10 or more homes<sup>21</sup>, 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 although complementary infrastructure will be secured via a 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

LTCP – Local Transport and Connectivity Plan. Adopted July 2022

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

<sup>21</sup> Note: in some instances, smaller schemes may be assessed depending on their relationship to other developments as well as potential cumulative impacts.



*Healthy and Active Travel*

- 7.18 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.
- 7.19 OCC's Local Transport and Connectivity Plan (LTCP) was adopted in July 2022 and covers the period to 2050. It replaces the previous Local Transport Plan (LTP4) and aims to make walking, cycling, public and shared transport the natural first choice to help achieve a net zero transport system.
- 7.20 One of the key themes of LTCP is to achieve 'improved health and wellbeing and reduced health inequalities, enabled through active and healthy lifestyles, improved road safety and inclusive communities'. The plan includes policies which aim to increase levels of walking and cycling to help to improve the mental and physical health of Oxfordshire's residents and make streets more welcoming and safe.
- 7.21 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.
- 7.22 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.
- 7.23 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 contributions to be sought:**

For larger residential schemes of 10 or more homes<sup>22</sup>, 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.

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

LTCP – Local Transport and Connectivity Plan. Adopted July 2022

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

*Travel Planning*

- 7.24 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.
- 7.25 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.
- 7.26 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.
- 7.27 Further information on the scale of development that will trigger a Travel Plan and relevant monitoring fees is set out on the County Council's website.

**Travel Plans - summary of developer contributions to be sought:**

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

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**

**LTCP – Local Transport and Connectivity Plan. Adopted July 2022**

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

**8. Sport and Leisure**

- 8.1 Increased levels of physical inactivity has a negative impact on health systems, the environment, economic development, community well-being and quality of life. It's important to take action to provide everyone with more opportunities to be active which is possible by creating well-designed places where healthy behaviours are the norm.
- 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 though sand and gravel extraction in the Lower Windrush Valley.
- 8.3 In accordance with the Local Plan, new developments which generate a need for sport and leisure that cannot be met by existing provision will be expected to contribute towards the provision of new facilities or improvements/expansion of existing facilities.
- 8.4 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.
- 8.5 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.



- 8.6 The circumstances in which developer contributions may be sought towards sport and leisure in West Oxfordshire are further explained below.
- 8.7 This includes the following types of provision:
- Indoor Sport and Leisure Facilities (e.g. Sports Hall and Pools)
  - Outdoor Sports (e.g. Playing Pitches and Courts)
  - Play Areas
  - Allotments and other community growing space
  - Other Green Space
  - Public Rights of Way
- 8.8 Appendix 2 includes some worked up S106 examples for sports and leisure provision.
- Indoor Sport and Leisure Facilities*
- 8.9 Indoor sports provision forms an important part of the overall sports and leisure ‘offer’ of the District and includes facilities such as swimming pools and sports halls. The District’s three main service centres Witney, Carterton and Chipping Norton all have leisure centres.
- 8.10 To provide evidence of the future needs for indoor sport and leisure facilities across the District, the Council commissioned a strategic assessment of the need for sports hall and swimming pool provision through Sport England’s Facilities Planning Model in 2020.
- 8.11 This identified current and future deficiencies in provision and contains recommendations for how these deficiencies can be met. In doing so, it provides the evidence base for facility requirements to inform requests for developer contributions in the period up to 2031.
- 8.12 As a general guide, smaller residential schemes of 10 or more dwellings will be expected to make a financial contribution towards off-site provision or enhancement of existing facilities within a 20 minute drive time catchment.
- 8.13 For large residential developments (typically around 500 or more 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.
- 8.14 Where this is not feasible or desirable, an appropriate financial contribution will be sought towards off-site provision to enhance or improve existing facilities within a 20 minute drive-time catchment of the development site.
- 8.15 Costs relating to the proposed improvements or expansion will be proportionate to the size or potential occupancy of the development, utilising the Sport England Facility Calculator model and evidence from the Facility Planning Model reports. All figures will be indexed linked to BCIS all in tender price index.

- 8.16 All facilities will require a commuted sum (maintenance) contribution and this is usually required to cover the cost of maintenance for 25 years, utilising Sport England's Lifecycle costings.
- 8.17 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.
- 8.18 Contributions from several sites may be pooled towards a specific facility.

**Indoor Sport and Leisure - summary of developer contributions to be sought:**

Smaller residential schemes of 10 or more 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.

As a general guide, large residential developments of around 500 or more 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.

The Council will seek to ensure that any such facilities are provided at an early stage in the interest of healthy place shaping and community cohesion.

A commuted sum will be required to cover the cost of maintenance.

Where on-site provision is not feasible or desirable, an appropriate financial contribution towards off-site provision will be sought.

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

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

- 8.19 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 including but not limited to football, rugby, cricket, hockey and tennis. It also includes ancillary facilities such as parking, toilets, changing facilities and sports lighting.
- 8.20 In accordance with the Local Plan, in appropriate circumstances, developers will be asked to contribute towards outdoor sports provision either directly as part of the development, or through a financial contribution towards off-site provision.
- 8.21 In terms of the quantum of outdoor sports provision to be sought, as referenced in the Local Plan, the Council will have regard to the West Oxfordshire Playing Pitch Strategy (2014) which set a recommended standard of 1.6 ha per 1,000 people in line with more recent guidelines from Fields in Trust (2015).
- 8.22 To provide more up to date evidence of the future needs for outdoor sports across the District, the Council commissioned a Playing Pitch Strategy in 2022. This identifies current and future deficiencies in provision and contains recommendation for how these deficiencies can be met. In doing so, it provides the evidence base for facility requirements to inform developer contributions in the period up to 2031.
- 8.23 As a general guide, smaller residential schemes of 10 or more dwellings will be expected to make a financial contribution towards off-site provision or enhancement of existing facilities within a 20 minute drive time catchment.
- 8.24 For larger schemes, whether provision is made on or off-site will depend on a number of factors including the size of the proposed development, existing provision within the area and existing access to facilities. The West Oxfordshire Open Space Study (2013) suggests that on-site provision for outdoor sport will typically be sought on larger residential schemes of 50 or more dwellings.
- 8.25 Where this is not feasible or desirable, an appropriate financial contribution will be sought towards off-site provision to enhance or improve existing facilities within a 20 minute drive time catchment.
- 8.26 All costs will be proportionate to the size and potential occupancy of the development, evidence of need e.g. Playing Pitch Strategy and Sport England's playing pitch calculator. All figures will be indexed linked to BCIS all in tender price index.
- 8.27 All facilities will require a commuted sum (maintenance) contribution and this is usually required to cover the cost of maintenance for 15 years.

- 8.28 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.
- 8.29 Contributions from several sites may be pooled towards a specific facility.

**Outdoor Sports - summary of developer contributions to be sought:**

Smaller residential schemes of 10 or more 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.

As a general guide, larger residential developments of around 50 or more 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.

The Council will seek to ensure that such facilities are provided at an early stage in the interest of healthy place shaping and community cohesion.

A commuted sum will be required to cover the cost of maintenance.

Provision 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 on-site provision is not feasible or desirable, an appropriate financial contribution will be sought.

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*

- 8.30 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.
- 8.31 Other outdoor play provision can include Multi-Use Games Areas (MUGAs), skate parks and exercise equipment for all ages.
- 8.32 In accordance with Local Plan Policy EH5, in appropriate circumstances, developers will be asked to contribute towards play provision either directly on-site as part of the development, and/or through an appropriate financial contribution towards off-site provision.
- 8.33 As with outdoor sports, whether provision for play is made on-site, or off-site through a financial contribution, will depend on a number of factors including the size of the development, existing provision and access to facilities.

### *Local Areas for Play (LAPs) and Local Equipped Areas for Play (LEAPs)*

- 8.34 As a general guide, because they are relatively small<sup>23</sup> the Council may seek to secure the on-site provision of LAPs and/or LEAPs as part of housing schemes of 10 or more homes through a Section 106 legal agreement. This is consistent with the Council's Open Space Study (2013) which suggests that on-site play provision will normally be required for schemes of this size.
- 8.35 We recognise however that on-site provision will not always be appropriate or necessary and in such instances, a financial contribution may be sought as an alternative.

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<sup>23</sup> LAPs minimum 0.01 ha and LEAPs minimum 0.04 ha in size

*Multi-Use Games Areas (MUGAs) and other outdoor provision (e.g. skateparks)*

- 8.36 Because MUGAs are larger (minimum 0.1 ha in size) these and other forms of outdoor provision such as skate parks, will generally be sought in relation to larger development schemes. The 2015 Fields in Trust publication; '[Guidance for Outdoor Sport and Play; Beyond the Six Acre Standard](#)' suggests that around 200 or more homes is an appropriate threshold for the on-site provision of a MUGA.
- 8.37 We will use this as a general guide but again recognise that on-site provision will not always be appropriate, in which case a financial contribution may be sought as an alternative.

*Neighbourhood Equipped Areas for Play (NEAPs)*

- 8.38 NEAPs have the same land take as a MUGA (minimum 0.1 ha in size) and whilst the Fields in Trust guidance suggests an indicative threshold of around 500 or more homes for on-site provision, the Council has previously secured on-site NEAP provision on smaller schemes of 250+ dwellings. We will therefore use this as an indicative threshold.

*Accessibility, Quantity and Quality*

- 8.39 Play space should be accessible in terms of comfortable walking distances. The Council's Open Space Study (2013) suggests 480m (10 minutes straight line walk time) for junior provision and 600m (12-13 minutes straight line walk time) for junior provision.
- 8.40 More recent Fields in Trust Guidance suggests 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 skatepark) within 700m.
- 8.41 In terms of the quantum of provision, in line with the Local Plan, the Council will have regard to the 2013 Open Space Study which identified a standard of 0.05 ha/1,000 population for children's play space and 0.02 ha/1,000 population for youth play space.
- 8.42 Regard will also be had to the 2015 Fields in Trust publication; '[Guidance for Outdoor Sport and Play; Beyond the Six Acre Standard](#)' which identifies suggested standards of 0.25 ha/1,000 population for equipped/designated play areas and 0.3 ha/1,000 population for other outdoor provision such as MUGAs and skateparks.
- 8.43 In terms of quality, the design of facilities should reflect current best practice. 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. Early discussion with the District Council's leisure team at the pre-application stage is strongly encouraged.

8.44 All play facilities will require a commuted sum (maintenance) contribution.

**Play Areas – summary of developer contributions to be sought:**

Where necessary, directly, fairly and reasonably related in scale and kind to the development, the District Council will seek to secure the provision of suitable outdoor play space.

The type of provision sought will vary according to a number of factors including the size of development.

As a general guide:

- Smaller play facilities such as Local Area for Play (LAPs) and Local Equipped Area for Play (LEAPs) will be sought on-site in relation to residential schemes of 10 or more homes;
- Multi-Use Games Areas (MUGAs) and other outdoor provision (e.g. skateparks) will be sought on-site in relation to residential schemes of around 200 or more homes;
- Neighbourhood Equipped Areas for Play (NEAPs) will be sought on-site in relation to residential schemes of around 250 or more homes.

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

Where play provision 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*

- 8.45 In 2021, the National Food Strategy stressed the need for local areas to develop their own localised food strategies to tackle the ongoing fragility of food systems in the UK, affordability and the environmental and health impacts of the food we eat. The Oxfordshire Food Strategy is now in place and endorsed by all local authorities in Oxfordshire. Led by Good Food Oxfordshire, this strategy sets out four key priorities for action to make healthy and sustainable food a defining characteristic of living in Oxfordshire. Ensuring easy access to affordable healthy food, including allotment space and community gardens, is essential in the creation of healthy places.
- 8.46 As a general guide, the District Council will seek the on-site provision of allotments or other community growing space on larger housing schemes of 50 or more homes. This is consistent with the Council's Open Space Study (2013). In line with that study, the level of provision sought will be at least 0.25 ha per 1,000 population but in the interest of healthy place shaping, developers will be encouraged to provide at least 0.3 ha per 1,000 population in line with the 2015 Fields in Trust publication<sup>24</sup>; [Guidance for Outdoor Sport and Play; Beyond the Six Acre Standard](#).
- 8.47 Where on-site provision is made, space should be provided in an accessible and suitable location within the site with the location to be agreed with the District Council at an early stage. Provision will typically be secured by way of a Section 106 planning obligation.
- 8.48 Where on-site provision is not feasible or desirable, 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 contributions to be sought:**

**In respect of larger housing schemes of 50 or more 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 0.25 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.**

<sup>24</sup> 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.



**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**

*Other Green Space*

- 8.49 Other types of green space include formal parks and gardens, amenity green space and natural and semi-natural green space.
- 8.50 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.
- 8.51 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.
- 8.52 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.
- 8.53 As a general guide, amenity green space will be sought on-site as part of residential schemes of 10 or dwellings in line with the Open Space Study (2013). In terms of the quantum of provision, the study suggests 0.7 ha per 1,000 population which can be combined with natural and semi-natural green space (see below).
- 8.54 In relation to natural and semi-natural green space, the Open Space Study suggests on-site provision will normally be required on larger housing schemes of 200 or more homes. In some instances, on-site provision will be appropriate on smaller schemes and this will be considered on a case-by-case basis. In terms of quantum, the study suggests 2 ha per 1,000 population which for new provision can be combined with amenity green space – see above.
- 8.55 With regard to parks and gardens, the Open Space Study suggests on-site provision will normally be required on larger housing schemes of 200 or more homes and in terms of the quantum of provision, suggests a standard of 1 ha per 1,000 population of publicly accessible space.
- 8.56 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.

8.57 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:**

Where necessary, directly, fairly and reasonably related in scale and kind to the development, the District Council will seek to secure the provision of other green space including amenity green space, natural and semi-natural green space and parks and gardens.

The type of provision sought will vary according to a number of factors including the size of development.

As a general guide:

- Amenity green space will be sought on-site in relation to residential schemes of 10 or more homes. This will be based on an indicative quantitative requirement of at least 0.7 ha per 1,000 population which may be combined with natural / semi-natural green space provision – see below;
- Natural and semi-natural green space will be sought on-site in relation to residential schemes of 200 or more homes although consideration will be given to the desirability/feasibility of provision on smaller residential schemes. This will be based on an indicative quantitative requirement of at least 2 ha per 1,000 population which may be combined with amenity green space provision – see above;
- Parks and gardens will be sought on-site in relation to residential schemes of 200 or more homes and this will be based on an indicative quantitative requirement of at least 1 ha per 1,000 population of publicly accessible space.

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

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)*

- 8.58 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.
- 8.59 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.
- 8.60 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 - 2025<sup>25</sup>.
- 8.61 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.
- 8.62 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.

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<sup>25</sup> <https://www.oxfordshire.gov.uk/residents/environment-and-planning/countryside/countryside-access/rights-way-management-plan>

- 8.63 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.
- 8.64 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 contributions 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 recognises the increasingly urgent need to support the transition to a low carbon future in a changing climate. Planners should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
- 9.2 The Government’s 25 year Environment Plan sets out goals for improving the environment within a generation and leaving it in a better state. It includes a range of targets for each of the environmental benefits and pressures identified such as clean air, clean water, wildlife, environmental hazards, climate change and waste.

- 9.3 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. Another core objective is to contribute to reducing the causes and adverse impacts of climate change, especially flood risk.
- 9.4 Whilst reducing the causes of climate change is vital, we also need to learn to adapt to a change in our future climate and Policy OS4 requires new development to be resilient to future climate change, particularly increasing temperatures and flood risk. Such measures should form an integral part of any development.
- 9.5 In this section we provide an overview of the Council’s approach to developer contributions in the following key areas which relate to the climate and environment:
- Biodiversity net gain
  - Air quality
  - Flood risk, water management and sustainable drainage
  - Archaeology

*Biodiversity Net Gain (BNG)*

- 9.6 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.
- 9.6 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. This links closely with the need to protect and enhance green infrastructure as per Local Plan Policy EH4 - Public Realm and Green Infrastructure.
- 9.7 Since the Local Plan was adopted, the Environment Act 2021 has been published and lays the foundation for a Nature Recovery Network as well as introducing a mandatory requirement for biodiversity net gain of at least 10%. This must be based on a Defra’s biodiversity metric and habitats will need to be secured for at least 30 years.
- 9.8 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.
- 9.9 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.

- 9.10 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.
- 9.11 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.
- 9.12 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.
- 9.13 The Council will also consider the use of ‘conservation covenants’ to secure off-site BNG where appropriate. 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 contributions 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. In line with the Environment Act 2021 this net gain is expected to be at least 10%.

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 or a covenant 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*

- 9.14 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. This is recognised in the Local Plan 2031 with Policy EH8 - Environmental Protection requiring the submission of an air quality assessment alongside appropriate applications to help understand and mitigate the impacts of development.
- 9.15 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.
- 9.16 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 (and are currently in the process of being updated) to help establish the best solutions for improving air quality in these zones.
- 9.17 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 in order to meet the objectives in the Air Quality Management Plans.
- 9.18 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 10 or more 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 & quality and sustainable drainage

- 9.19 There are several rivers flowing through the District which are important corridors for biodiversity and recreation however they present a flood risk to communities including Witney which have suffered from flooding in recent years. In addition there are challenges which need to be tackled including poor water quality resulting from pollution including raw sewerage and water supply pressures due to a growing demand for water and climate change. These cannot be addressed through one organisation alone but need to be addressed as a collective to better help manage water for people and wildlife.
- 9.20 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. The District Council will continue to work with these stakeholders to help address flood resilience, a significant betterment in water quality and improved water efficiency.
- 9.21 The Council strongly recommends that developers engage with Thames Water at the earliest opportunity in the development process and prior to the submission of an application to establish the following:
- The developments demand for water supply and network infrastructure both on and off site.
  - The developments demand for Sewage / Wastewater Treatment and network infrastructure both on and off site
  - The surface water drainage requirements and flood risk of the development both on and off site
- 9.22 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.



- 9.23 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. It is expected that landowners/ developers will meet the costs of these measures including direct off-site flood risks and any indirect residual flood risks arising from their development.
- 9.24 Planning obligations will normally be sought where the development requires 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.
- 9.25 On-site infrastructure which is required to alleviate the risk of flooding and reduce the 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. Such works should aim to maximise environmental and amenity benefits.
- 9.26 If the works are being undertaken by the developer, this work must be completed to a timetable or phasing plan agreed with the Local Planning Authority and must be completed in a timely manner. Any phasing requirements for planning obligations related to drainage and flood risk management infrastructure will be set out in a Section 106 agreement.
- 9.27 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.
- 9.28 When assessing wastewater, sewerage and water supply infrastructure, planning permission for developments which result in the need for off-site upgrades, will be subject to a Section 106 agreement or conditions to ensure the occupation is aligned with the delivery of necessary infrastructure upgrades to ensure that there is adequate water and wastewater infrastructure to serve the new development.

- 9.29 It is important not to underestimate the time required to deliver necessary infrastructure and therefore developers are encouraged to contact the water/waste water company as early as possible to discuss their development proposals and intended delivery programme to assist with identifying any potential water and wastewater network reinforcement requirements.
- 9.30 Where there is a capacity constraint, phasing conditions may be applied to a planning approval to ensure that any necessary infrastructure upgrades are delivered ahead of the occupation of the relevant phase of development.
- 9.31 Given the significance of flood risk, drainage, water quality and water supply, 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 contributions to be sought:**

Where necessary, directly, fairly and reasonably related in scale and kind to the development, on-site flood risk management, associated drainage infrastructure, and any measures related to water quality, 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, drainage infrastructure and any measures related to water quality 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, drainage infrastructure and any measures related to water quality 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*

- 9.32 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.
- 9.33 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.
- 9.34 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.
- 9.35 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.
- 9.36 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 contributions 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  
West Oxfordshire Local Plan 2031: Policy EH15 - Scheduled monuments and other nationally important archaeological remains, OS5 - Supporting Infrastructure**

## 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 contributions 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 NPPF<sup>26</sup> 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.
- 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, Parish Councils, local churches and the voluntary sector, alongside developers.
- 10.12 It should be noted that whilst this SPD addresses the need for community facilities within the context of community development, it does not specifically address places of worship, although we do recognise the importance of these spaces in providing community events more broadly.
- 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 Council will work with applicants to ensure that such facilities are provided at an early stage in the interests of healthy place shaping and community cohesion. 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 very large 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.

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<sup>26</sup> NPPF paragraph 93

- 10.17 In some instances, it may also be appropriate to provide some sort of community space as part of smaller developments (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 point<sup>27</sup>. 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 contributions 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, 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 10 or more 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:**

<sup>27</sup> Para 5.1.21 Eynsham Area Infrastructure Delivery Plan Updated Draft Report July 2020

**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.
- 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 provision for children and young people. The County Council's Strategic Plan 2019 to 2022 confirms its commitment to providing libraries, museums, sports and leisure settings.
- 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 contributions 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 yet been undertaken, a survey was conducted 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 is 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 may, subject to identified needs, 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, other larger residential developments may be required to make a financial contribution. As a general guide, we will use an indicative threshold of around 50 or more dwellings but this will depend on local circumstances including the level of identified need. Any such provision will be secured through a planning condition and/or Section 106 legal agreement as appropriate.

**Burial Space - summary of developer contributions to be sought:**

Where there is an identified need, the five strategic site allocations set out in the West Oxfordshire Local Plan 2031 and larger residential developments of around 50 or more 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. Other aspects of primary care (community pharmacy, dental and optometry services) are now commissioned by the Integrated Care Board (ICB) which replaced Clinical Commissioning Groups in July 2022. Currently 10 GP practices are located in the West Oxfordshire District Council area. In addition there is one community hospital in Witney and one Outpatients unit in Chipping Norton.
- 11.5 The Integrated Care Board has recently published an Integrated Care Strategy (March 2023). The aim of the Strategy is to set the strategic direction for health and care services, including how commissioners in the NHS and local authorities can deliver more joined-up, preventative, and person-centred care for their local population.
- 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 contributions 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 via 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 contributions 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) bring together key partners including West Oxfordshire District Council (WODC), Thames Valley Police (TVP), Probation service, Oxfordshire County Council (Adult social care, Fire and rescue, Public health and Children's services), and the BOB Integrated Care Board

working towards a shared goal of creating safer communities in which to live, work and visit. The partnership uses shared intelligence 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 via 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 via 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 makes clear that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. This approach is reflected in the economic objectives of the Council's Local Plan and in particular Core Objective 7 which aims to support sustainable economic growth by adding value to the local economy, providing a diversity of jobs and improving skills and work readiness.
- 13.2 The Council is supported by the Oxfordshire Local Economic Partnership (OxLEP) who help deliver opportunities for economic prosperity across the County. They have produced a Strategic Economic Plan (2016), which is currently being reviewed and this commits to increasing apprenticeships and increasing skills in Science, Technology, Engineering and Maths. More recently they have also produced the Oxfordshire Local Industrial Strategy (2019) and Economic Recovery Plan (2021). 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 Plan<sup>28</sup>, the District Council will seek to encourage the use of community employment plans (CEPs) in larger developments (typically 1,000 or more homes and/or 4,000 sqm of floorspace).
- 13.4 CEPs can be sought, where appropriate, for the construction phase of a development and, in some cases, for the end-use phase of development. Where a developer can justify to the Council that a CEP is not the best method to secure skills and training, then an alternative contribution may be sought to provide skills and training opportunities for the local community.

**Community Employment Plans (CEPs) - summary of developer contributions 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

<sup>28</sup> Paragraph 6.12



#### 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 dog waste 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. In addition, OCC may wish to apply for CIL receipts to be used at waste and recycling centres where appropriate. Please refer to Oxfordshire County Council's [Guide to Developer Contributions](#) for further information.

**Waste and recycling/waste management - summary of developer contributions 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 10 or more 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 became particularly apparent in 2020 due to the Covid-19 pandemic which has changed the way we work and communicate in the long term.
- 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 contributions to be sought:**

For larger residential proposals of 10 or more 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 involved in 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. ICB) may be required to sign an indemnity agreement and ensure contributions are spent in accordance with the Section 106 Agreement. Appendix 3 provides 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 (OCC) will be subject to a different process as set out in OCC's Guide to Developer Contributions. It should be noted that OCC may require a bond as security for the payment of contributions or in relation to the delivery of infrastructure, as well as the potential need for forward funding.

18.4 All receipts and spending of financial contributions will be recorded and monitored by the District Council and reported annually through the Council's Infrastructure Funding Statement (IFS). There may be instances where financial contributions are required to be refunded, for example where infrastructure is delivered ahead of a planning obligation.

## **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.

19.2 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.

19.3 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 3.

### *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 and to allow time for these bodies to engage at an early stage with the Local Authority.
- 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 I - Summary table of potential 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 <sup>29</sup> )	✓			
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.	✓			✓

<sup>29</sup> 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
Education 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>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>	✓		CIL receipts may also be used where appropriate.	
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.	

Infrastructure item	Relevant thresholds/requirements	Developer contributions by anticipated mechanism			
		Section 106 agreement	Section 278 agreement	CIL	Planning Condition
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> <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.	
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.	

Infrastructure item	Relevant thresholds/requirements	Developer contributions by anticipated mechanism			
		Section 106 agreement	Section 278 agreement	CIL	Planning Condition
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> <p>Travel Plans typically include a range of measurable actions and targets which can be monitored throughout the lifetime of the development.</p>	✓			✓
Indoor sport and leisure facilities both on-site and off-site	<p>On-site provision of indoor sport and leisure facilities sought for larger schemes of around 500 or more homes unless not feasible or desirable, in which case an appropriate financial contribution towards off-site provision will be sought.</p> <p>Potential financial contribution towards off-site provision from smaller schemes of 10 or more homes.</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
Outdoor sports provision (e.g. playing pitches and courts) both on-site and off-site	<p>On site provision sought for larger residential schemes of around 50 or more homes unless not feasible or desirable, in which case an appropriate financial contribution towards off-site provision will be sought.</p> <p>Potential financial contribution towards off-site provision from smaller schemes of 10 or more homes.</p> <p>Provision based on an indicative quantitative requirement of at least 1.6 ha per 1,000 population (applied on a pro-rata basis).</p>	✓		CIL receipts may also be used where appropriate.	
Play areas both on-site and off-site	<p>Residential schemes of 10 or more homes to make appropriate provision for play.</p> <p>As a general guide:</p> <ul style="list-style-type: none"> <li>Local Area for Play (LAP and/or Local Equipped Area for Play (LEAP) to be sought in relation to residential schemes of 10 or more homes;</li> </ul>	✓		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
	<ul style="list-style-type: none"> <li>Multi-Use Games Area (MUGA) or other outdoor provision (e.g. skatepark) to be sought on-site for larger residential schemes of around 200 or more homes</li> <li>Neighbourhood Equipped Area for Play (NEAP) to be sought on-site for larger residential schemes of around 250 or more homes</li> </ul> <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>				
Allotments and other community growing space both on-site and off-site	<p>On site provision sought for larger residential schemes of 50 or more 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 0.25 ha per 1,000 population (applied on a pro-rata basis).</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
Other Green Space both on-site and off-site	<p>Amenity green space sought on-site for residential schemes of 10 or more homes based on an indicative quantitative requirement of at least 0.7 ha per 1,000 population (applied on a pro-rata basis) which may be combined with natural / semi-natural green space provision – see below.</p> <p>Natural and semi-natural green space sought on-site for larger residential schemes of 200 or more homes with consideration given to the desirability/feasibility of provision on smaller residential schemes. Based on an indicative quantitative requirement of 2 ha per 1,000 population (applied on a pro-rata basis).</p> <p>Parks and gardens sought on-site for larger residential schemes of 200 or more homes based on an indicative quantitative requirement of at least 1 ha per 1,000 population of publicly accessible space.</p> <p>Where on-site provision of other green space is demonstrably not feasible, a financial contribution will be sought to</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
	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 10 or more 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/ associated drainage infrastructure and water quality, including the provision of	✓		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
	land to support the development, as appropriate.				
Archaeology	Mitigation of potential impacts as appropriate.				✓
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>In some instances, it may also be appropriate to provide some sort of community space as part of smaller developments (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.</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
	Potential financial contribution to be sought from smaller residential schemes of 10 or more homes.				
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 where there is an identified need.</p> <p>Larger residential schemes may also 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.</p> <p>As a general guide, a threshold of 50 or more dwellings will be used depending on local circumstances including identified need.</p>	✓		CIL receipts may also be used where appropriate.	
Primary and Secondary Health Care and Extra-	Requirement to make appropriate provision expected to apply to the five	✓		CIL receipts may also be	

Infrastructure item	Relevant thresholds/requirements	Developer contributions by anticipated mechanism			
		Section 106 agreement	Section 278 agreement	CIL	Planning Condition
Care both on-site and off-site	strategic sites allocated in the West Oxfordshire Local Plan 2031.			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.	✓
Waste and recycling/waste management	All residential development to provide on-site recycling/ refuse containers and any associated facilities.  Potential financial contribution to be sought from residential schemes of 10 or	✓		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
	more dwellings towards off-site waste recycling and management infrastructure.				
Utilities	Residential schemes of 10 or more dwellings homes should provide infrastructure for utilities which is not funded by the utility providers.	✓			✓

## Appendix 2 - Sport and Leisure S106 worked up examples

Below are three worked up examples which can be used as a guide to estimate the approximate level of contribution required towards sport and leisure infrastructure from development.

150 new homes in the West Oxfordshire area is estimated to generate a population of 360 (using the average household size for the area of 2.4).

**Sports Hall provision** – This would all be backed up with the strategic need from the Facility Planning Model run conducted by Sport England in 2020.

Sport England's Sports Facility Calculator (SFC) assumes a 1 badminton court requirement for a population growth of 3600.

Therefore a population increase of 360 would generate a need of an additional 0.10 badminton courts ( $1/3600 \times 360$ ).

Based on Sport England's latest costings\* the SFC estimates that the cost of providing the identified need of 0.10 badminton courts is £73,328.

\*Sport England Quarter 3, 2022 facility costs

**Pool Provision** - This would all be backed up with the strategic need from the Facility Planning Model run conducted by Sport England in 2020.

Sport England's Sports Facility Calculator (SFC) assumes a 1 25m swimming lane (53.18 m<sup>2</sup>) requirement for a population growth of 5000.

Therefore a population increase of 360 would generate a need of an additional 3.83 m<sup>2</sup> water space ( $53.18/5000 \times 360$ ).

Based on Sport England's latest costings\*\* the SFC estimates that the cost of providing the identified need of 3.83 m<sup>2</sup> water space is £81,078.

\*\*Sport England Quarter 3, 2022 facility costs

**Outdoor Sports provision** - This would all be backed up with the strategic need from the Playing Pitch Strategy completed in 2022.

Based on the cost of provision and future maintenance of football pitches (the cheapest form of outdoor sports facility) over a 15-year period at a standard of 1.6ha per 1,000 population.

A football pitch of 0.742ha, a provision cost of £105,000 (Sport England Facility Costs third Quarter 2022) and a commuted maintenance cost of £240,975 per pitch (Sport England Life Cycle Costings Natural Turf Pitches second Quarter 2021), would equate to £746,038 per 1,000 population or £1,790 per dwelling (at an average occupancy of 2.4 persons per dwelling).

$$150 * 1,790 = 268,500$$

Based on Sport England Facility costs and lifecycle costings the cost for providing the required playing pitch provision is £268,500.



## Appendix 3 – Monitoring Fees

### 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

Below is the schedule of the monitoring fees that apply in West Oxfordshire:

Registration charge	£500
Monitoring charges:	
Less than 10 dwelling units	£500
10 - 100 dwellings units	£1,000
101 - 250 dwelling units	£5,000
251+ dwelling units	£10,000
Strategic Development Areas	To be negotiated on a case-by-case basis

(as identified in the West Oxfordshire Local Plan 2031)	
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The fee schedule follows a common approach of charging by housing numbers. A similar schedule is used by Cherwell District Council and also Cotswold District Council which is a partner authority to West Oxfordshire. It has the advantage of being simple, transparent and easy to calculate.

The fee schedule also meets both the tests set out in the CIL regulations as the fees are considered to be fair and reasonable and would not exceed the authority's estimate of its cost of monitoring the development over the lifetime of the planning obligations.

The schedule would not cover developments which are considered strategic sites as identified in the local plan. Such developments involve more complex monitoring. For each strategic site, the Council will negotiate the required fees based on the estimated cost of monitoring these sites. The fee will be calculated on a yearly basis and should be paid each year for the anticipated duration of the development. Note that the current local plan has five strategic sites (including Salt Cross Garden Village) for which the monitoring fee will be negotiated.

All S106 agreements, including Deeds of Variation, would be subject to a registration charge of £500 to cover the cost of registering the agreement and its obligation on the system. The majority of S106 agreements in the district relate to housing developments, where the monitoring work involved increases in relation to the size of the development. The remainder of the monitoring charge would therefore be based on the amount of houses being delivered.

Payment of the registration fee would be required upon completion of the agreement. The remainder of the monitoring fee would become due upon commencement of the development. The fees would not be refundable if the development does not go ahead or is halted halfway.

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 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.

**APPENDIX 4**

**DRAFT PROPOSED INDEMNITY AGREEMENT**

Dated 2023

**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 Three

**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



 <b>WEST OXFORDSHIRE DISTRICT COUNCIL</b>	<b>WEST OXFORDSHIRE DISTRICT COUNCIL</b>
<b>Name and date of Committee</b>	<b>EXECUTIVE – 21 JUNE 2023</b>
<b>Subject</b>	<b>COUNCIL CHAMBER REFIT DESIGN AND PROCUREMENT OF CONTRACTORS</b>
<b>Wards affected</b>	Witney North
<b>Accountable member</b>	Cllr Alaric Smith / Executive Member for Arts, Leisure and Culture Email: Alaric.Smith@westoxon.gov.uk
<b>Accountable officer</b>	Phil Martin; Assistant Director, Business Services Tel:    Email: Phil.Martin@publicagroup.uk
<b>Summary/Purpose</b>	To seek agreement for the Chamber refit design and associated costs, and to proceed with the procurement of contractors via an open tender process.
<b>Annexes</b>	Annex A – Chamber Designs
<b>Recommendation/s</b>	That Executive resolves to: <i>a) Agree to the Chamber design as proposed by the Agile Steering Group</i> <i>b) Agree to proceed to the contractor procurement phase</i>
<b>Corporate priorities</b>	Working together for WODC
<b>Key Decision</b>	YES
<b>Exempt</b>	NO
<b>Consultees/ Consultation</b>	Agile Project Steering Group Informal Executive

## 1. BACKGROUND

In July 2022, Executive (formerly Cabinet), and Full Council agreed to proceed with changes to Woodgreen and Elmfield Council offices to facilitate the implementation of the Agile Working Strategy, reduce costs and carbon impact of the Council's operations and increase public accessibility. This resulted in the implementation phase of the Agile Working project, which is currently underway.

A key deliverable of the Agile Working project is the 'Substantial modernisation of decor and lighting in the Council Chamber' and a budget of £457k was allocated (from a total Agile project budget of £1.6m), to cover the cost of the Chamber refit and new furniture. This is in addition to a 'Contain Outbreak Management Fund' (COMF) allocation of £250k, to upgrade the audio visual (AV) technology in the Committee rooms and the Council Chamber. The new AV equipment has been installed in the Committee rooms and will be installed in the Council Chamber upon completion of the refit.

A key driver for the Chamber refit is to provide a modern and attractive meeting space, with new folding desks and stacking chairs to enable the room to be reconfigured for weddings, community and business functions as well as meeting the formal requirements of the Council, Executive and formal Committees. A flexible, publicly accessible space is also a requirement of the COMF funding.

## 2. MAIN POINTS

- 2.1. In autumn 2022, the Agile Steering Group set out the broad principles for the design brief for the Chamber. The brief stated that designs should have an emphasis on the future use of the Chamber, that it be as light and easy to clean as possible and should reflect the importance and significance of the space.
- 2.2. To ensure value for money, three budget envelopes were specified for the refit (excluding furniture and mechanical & electrical costs) - £80k, £140k and £220k, and commercial interior designers, Gravity, were asked to produce separate designs that corresponded to each of these budgets.
- 2.1. In March 2023 Gravity presented designs to the Agile Steering Group and a preferred option was selected based upon fulfilment of the brief and value for money – See Annex A; this option falls within the £140k budget envelope. The design includes high quality, portable furniture that enables the Chamber to be utilised in a flexible way. The tables are easily moved into position and can be configured to suit the requirements of the meeting or function; the 'horseshoe' arrangement for formal Council meetings as set out in Annex A, is an indication of one particular layout. The tables are 'flip-top' and the chairs are stackable; the furniture may be stored in a relatively small space and adjacent meeting rooms have been identified for this purpose, enabling the Chamber to be totally or partially cleared to suit a multitude of uses.
- 2.2. In April 2023 a presentation was given to Informal Executive, setting out key features of each of the options and the main reasons for Option A being the preferred design. Informal Executive gave its backing to Option A and feedback from that meeting has been incorporated into the designs – namely to provide additional desk layout configurations, so that the flexibility of the space can be demonstrated, and to incorporate 'WODC green' into the seats.
- 2.3. In order to procure the contractors for the refit, an open tender exercise will be required. This will involve producing detailed technical specifications for the refit works. In addition, the specification will also set out detailed requirements for the desks and seating. Detailed research has been carried out, at the request of the Agile Steering Group, to inform the

specific requirements for the desk and seat specification; sample furniture will be requested prior to a final decision being taken. This will ensure the furniture is of the required quality, that the seats are comfortable and stackable, and the desks are portable and easily stored.

### 3. FINANCIAL IMPLICATIONS

3.1 A total budget of £457,260 was allocated to the Chamber refit project in July 2022. This comprised:

Item	Cost
Refit (this figure is based on the Quantity Surveyor assessment)	£242,350
Furniture (Portable, folding desks/stacking chairs - this figure is based upon suitable furniture being identified and costed)	£131,210
Mechanical & Electrical Adjustments (this figure is based on the Quantity Surveyor assessment)	£83,700
<b>Total</b>	<b>£457,260</b>

The total costs associated with Option A are set out in the table below. Due to current inflationary pressures within the construction sector, it is prudent to include a 10% contingency.

Based on this option, costs are potentially £66,859 below the original budget allocation.

Item	Cost
Refit	£140,000
Furniture (Portable, folding desks/stacking chairs - this figure is based upon suitable furniture being identified and costed)	£131,210
Mechanical & Electrical (this figure is based on the Quantity Surveyor assessment)	£83,700

Sub total	£354,910
Contingency (10%)	£35,491
<b>Total</b>	<b>£390,401</b>

#### **4. LEGAL IMPLICATIONS**

- 4.1. No direct legal implications relating to this report, all commissioned work would need to comply with appropriate legislative frameworks e.g. Health and Safety, DDA etc.

#### **5. RISK ASSESSMENT**

- 5.1. Construction/refit material costs are currently volatile as a result of on-going inflationary pressures within the construction sector. As a result the Chamber refit costs may be affected and a 10% contingency has been incorporated into costings to mitigate the risks.
- 5.2. The refit costs will be finalised as a result of the open tender process; this may result in final cost adjustments up or down. However, Gravity are commercial design and refit specialists, and advise that their designs should comfortably fit within the budget envelope.

#### **6. EQUALITIES IMPACT (IF REQUIRED)**

- 6.1. An EIA was originally undertaken as part of the wider Agile Working project presented to Cabinet/Council in July 2022, this will be revisited and any required adjustments will be made.

#### **7. ECOLOGICAL AND CLIMATE EMERGENCY IMPLICATIONS (IF REQUIRED)**

- 7.1. Gravity ensured that the designs incorporated products and materials that were both environmentally and ecologically friendly.

#### **8. ALTERNATIVE OPTIONS**

- 8.1. During the early stages of the Agile project, a combined Committee/Council Chamber was considered on the ground floor. However, this option was not deemed feasible as the space wasn't large enough to accommodate full Council meetings, nor provide the flexibility to host other formal meetings. This is due to the WCs on the ground floor encroaching on the floor space.

#### **9. BACKGROUND PAPERS**

- 9.1. None.

(END)

# GRAVITY OFFICE INTERIORS

PART OF  WORKPLACE INTERIORS CO

MODERN WORKING REQUIRES A MODERN OFFICE

<b>Client:</b>	West Oxfordshire District Council Design Proposals
<b>Date:</b>	26.05.2023
<b>Ref:</b>	16933



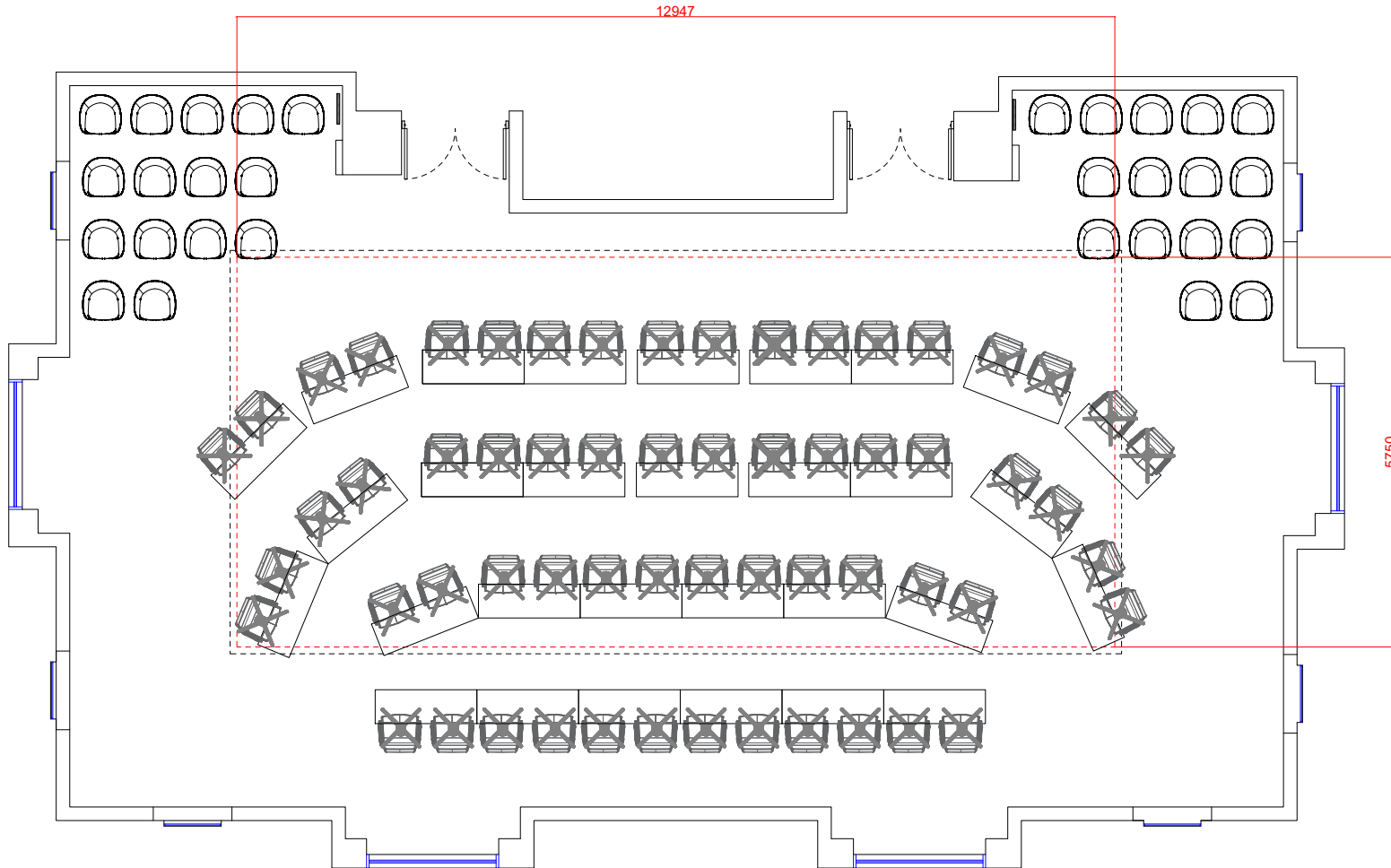
**WEST OXFORDSHIRE  
DISTRICT COUNCIL**

# Existing Chamber



Note.

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# GRAVITY OFFICE INTERIORS

part of Q WORKPLACE INTERIORS CO

Oak Farm  
Chargrove Lane  
Cheltenham  
GL51 4XB

Tel. 01242 206208  
workplaceco.co.uk

Client. Publica  
Address. West Oxford District Council  
Witney  
OX28 1NB

Project. Council Chamber  
Fit Out

Drawing Title. Office Fit Out  
First Floor

Revision. R3

Drawn by. Jessica Newby  
Approved by. Jason Martin

Project no. 16933

Date. 26.05.23

Scale. 1:100 on A4

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# West Oxfordshire District Council - Option A





# West Oxfordshire District Council - Option A



# West Oxfordshire District Council - Option A Finishes



3



4



1. Hessian Blue Wall Covering | 2. Wooden Table Top | 3. Stackable Chair with Arms, Polypropylene Back in Cement Grey & Fabric Seat Pad | 4. Black Table Leg | 5. Natural Timber Slat Wall Panel | 6.7.8. Textured Effect Grey Mix Carpet Planks



1. Reception Opening 2.12mmW x 2.5mH Subject to structural engineer assessment
2. Lintel Over Opening - Subject to Structural Engineers Assessment

**GRAVITY** OFFICE  
INTERIORS

PART OF  WORKPLACE  
INTERIORS CO

Thank you

Tel: 01242 506 208

Email: [team@gravityofficeinteriors.co.uk](mailto:team@gravityofficeinteriors.co.uk)

[www.gravityofficeinteriors.co.uk](http://www.gravityofficeinteriors.co.uk)

**MODERN WORKING REQUIRES A MODERN OFFICE**

 <b>WEST OXFORDSHIRE DISTRICT COUNCIL</b>	<b>WEST OXFORDSHIRE DISTRICT COUNCIL</b>
<b>Name and date of Committee</b>	<b>EXECUTIVE – 21 JUNE 2023</b>
<b>Subject</b>	<b>APPROVAL OF AWARD OF CONTRACT FOR EXTERNAL PRINTING AND POSTAGE (HYBRID MAIL)</b>
<b>Wards affected</b>	<b>ALL</b>
<b>Accountable member</b>	<b>CIlr Dan Levy – Executive Member for Finance</b> <b>Email: dan.levy@westoxon.gov.uk</b>
<b>Accountable officer</b>	<b>Mandy Fathers – Business Manager for Environmental, Welfare and Revenues</b> <b>Email: mandy.fathers@publicagroup.uk</b>
<b>Report author</b>	<b>Mandy Fathers – Business Manager for Environmental, Welfare and Revenues</b> <b>Email: mandy.fathers@publicagroup.uk</b>
<b>Summary/Purpose</b>	<b>To consider the result of a procurement exercise to award a new contract for the provision of external printing and postage for the Council and its partners</b>
<b>Annexes</b>	<b>none</b>
<b>Recommendation(s)</b>	<b>That Executive resolves to:</b> <i>a) Award the contract for external printing and postage from 1 August 2023 to IMail for a period of 3 plus 1 year</i>
<b>Corporate priorities</b>	<ul style="list-style-type: none"> <li>• Delivering our services to the highest standards</li> <li>• Responding to the challenges presented by the climate crisis</li> </ul>
<b>Key Decision</b>	<b>YES</b>
<b>Exempt</b>	<b>NO</b>

Consultees/ Consultation	Executive Member for Finance, Chief Executive and Deputy Chief Executive, Monitoring Officer, Interim Head of Legal Services, Finance Business Partner, Assistant Director for Resident Services, Director of Finance (Publica), Members of the Overview and Scrutiny Committee
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## **1. EXECUTIVE SUMMARY**

- 1.1** This report seeks approval to award a contract for the provision of the council's external printing and postage, also referred to as a hybrid mail solution.
- 1.2** Hybrid mail is a secure, fast, online method of producing, managing and sending documents direct to residents and businesses from any location.
- 1.3** As part of the items taken to the Shareholders forum in October 2022, a hybrid mail solution was identified as a potential savings area for the council.
- 1.4** Officers have now explored this solution further and through a procurement framework identified a supplier who can support the council in reducing its overall printing and posting costs.

## **2. BACKGROUND**

- 2.1** The council maintains a traditional postal service for the majority of service areas in respect of its outbound mail. For the majority of its outgoing mail in respect of Revenues and Benefits, mail is delivered via a hybrid mail provider.
- 2.2** Within the council, the benefits of hybrid mail are seen in remote working flexibility, hardware, consumables, staff time and postage costs. To illustrate this point, a user would be able to send a file to the service provider from any location, be that home or office. There would be no need to print to a multi-functional device, so there would be a reduction in hardware and associated printing costs. There would be a reduction in the need for holding physical stock of letter headed stationary, inserts or envelopes. There would be a reduction in postal costs. Users across the council would recoup the time spent printing, collecting and processing items of outbound post, and could use that time to complete others tasks as required.
- 2.3** The impact of the Covid-19 pandemic increased the pressures on the traditional mail service. Many officers are now continuing to work remotely, and this has resulted in the need to consider alternative methods of processing mail. Remote/agile working will remain a key feature of how the council operates and so a solution to enable staff access to mail documents is crucial to business operations moving forward.
- 2.4** In 2017, an external contract for a hybrid print and post solution was awarded in partnership with Cheltenham Borough Council and Cotswold District Council Revenues and Benefits services. This contract has now expired and under the council's commissioning rules, a new tender exercise has been undertaken, with consideration to adopt hybrid mail across all council service areas.
- 2.5** The council must maintain a physical post solution as items such as those requiring recorded delivery to return personal documents for example, are not able to be returned electronically.

### **3. MAIN POINTS**

- 3.1** Following approval from the Commissioning Board a procurement exercise has been undertaken in partnership with Cheltenham Borough Council, Forest of Dean District Council, Stroud District Council and Cotswold District Council to award a new contract for its off-site printing and mailing provision.
- 3.2** Procurement of the contract was undertaken via the GCloud I3\_ RMI557.13 which is a Crown Commercial PCRI5 compliant framework. Under the terms of the Framework, the Authority must carry out an evaluation of all potential suppliers listed on the framework in order to arrive at a shortlist of potential suppliers. Shortlisted suppliers are then evaluated in 2 ways:
- 1) Most Economically Advantageous Tender (MEAT) criteria
  - 2) Direct award on lowest price only if they are comparable services
- 3.3** Following the initial assessment of providers listed on the framework, 4 were shortlisted and assessed using both methods of evaluation listed above with the chosen supplier, IMail meeting the requirements of the specification, providing the best unit price for first and second class mail; with no disruption to setup and implementation.
- 3.4** The Modern Slavery Act 2015 is an Act of the Parliament of the United Kingdom. It's designed to combat modern slavery in the UK and consolidates previous offences relating to trafficking and slavery. The act extends to England and Wales.
- 3.5** The Transparency in Supply Chains Provision of the Modern Slavery Act (MSA) requires commercial entities with an annual turnover of £36m or more to report annually on their actions to identify, prevent and mitigate modern slavery in their supply chain.

### **4. FINANCIAL IMPLICATIONS**

- 4.1** Hybrid mail providers are able to provide postal services at postage rates that are cheaper than the traditional method. The joint procurement and wider use of hybrid mail solutions will provide economies of scale in respect of pricing.
- 4.2** It is difficult to estimate the value of the contract due to the changes in which our customers interact with the council, such as email; however, based on the costings for postage in 2022/2023 the value of the contact during its life would be in the region of £480,000
- 4.3** The financial savings arising from switching to hybrid mail compared to using traditional postage will vary depending on volumes, postage class and the number of items sent by



recorded/special delivery. Based on current volumes, Royal Mail charges and stationery savings are estimated to be in the region of £11K per annum. Longer term, further savings may be generated from the rationalisation of printing devices once they have reached the end of their service life. Moving to a hybrid mail service should also improve efficiency as staff will need to spend less time on mail handling and associated activities.

4.4 This figure is £9k more than the original projection set out in the outline business case.

## 5. LEGAL IMPLICATIONS

5.1 The value of this contract over its lifetime could be higher than the EU threshold for Services and the award of the contract therefore is government by the Public Procurement Regulations 2006. The award is also subject to the council's constitution including Contract Rules, the Council's Financial Rules and the Scheme of Delegation.

## 6. RISK ASSESSMENT

6.1 In changing to a new provider the quality of service is unfamiliar; however, a staged approach will be incorporated into the process; ensuring quality assurance checks are carried out within each stage.

## 7. EQUALITIES IMPACT

7.1 There are no unacceptable adverse effects on the protected characteristics covered by the Equalities Act 2010 that have been identified.

## 8. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS


8.1 Public Services (Social Value) Act 2012 legislation requires Buyers of public sector services to consider related social, economic or environmental benefits that can be delivered through a contract. They must be relevant and proportionate and specific to the customer.

8.2 Whilst reducing the direct carbon footprint for the Council it will transfer this indirectly to the chosen provider. Compared to the average office, hybrid mail providers will generally use more environmentally friendly print and distribution equipment.

## 9. ALTERNATIVE OPTIONS

9.1 The Council's current hybrid mail contract has expired. The Council could decide to do nothing and continue to use the more traditional services for external print and posting. However, by doing so, it would not realise the potential cost savings of using a hybrid mail solution.

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 <p><b>WEST OXFORDSHIRE DISTRICT COUNCIL</b></p>	<p><b>WEST OXFORDSHIRE DISTRICT COUNCIL</b></p>
<p>Name and date of Committee</p>	<p><b>EXECUTIVE - 21 JUNE 2023</b></p>
<p>Subject</p>	<p><b>MOTIONS REFERRAL FROM CLIMATE AND ENVIRONMENT OVERVIEW AND SCRUTINY</b></p>
<p>Wards affected</p>	<p>All</p>
<p>Accountable member</p>	<p>Councillor Carl Rylett, Executive Member for Planning and Sustainable Development Email: <a href="mailto:carl.rylett@westoxon.gov.uk">carl.rylett@westoxon.gov.uk</a></p>
<p>Accountable officer</p>	<p>Chris Hargraves, Planning Policy Manager - Planning &amp; Strategic Housing Email: <a href="mailto:Chris.Hargraves@westoxon.gov.uk">Chris.Hargraves@westoxon.gov.uk</a></p>
<p>Report author</p>	<p>Michelle Ouzman, Strategic Support Officer – Democratic Services Email: <a href="mailto:michelle.ouzman@westoxon.gov.uk">michelle.ouzman@westoxon.gov.uk</a></p>
<p>Summary/Purpose</p>	<p>To consider recommendations from the Climate and Environment and Social Scrutiny Committee, 23 March 2023.</p>
<p>Annexes</p>	<p>Annex A - Swift Nesting Sites – Motion C Annex B – Development Grampian Conditions - Motion B</p>
<p>Recommendation(s)</p>	<p>That the Executive resolves to:</p> <ol style="list-style-type: none"> <li>a) Agree that Officers include, within the current review of the Local Plan, specific policies in respect of Swift Nesting Sites, as per the motion (see attachment Annex A).</li> <li>b) Agree that Officers include, within the current review of the Local Plan, specific policies in respect of Development Grampian Conditions, as per motion (see attachment Annex B).</li> </ol> <p><u>Recommendations of the Executive</u></p> <p>That the Executive agrees its response to the recommendations from Overview and Scrutiny.</p>
<p>Corporate priorities</p>	<ul style="list-style-type: none"> <li>● A Good Quality of Life for All</li> </ul>

	<ul style="list-style-type: none"> <li>● A Better Environment for People and Wildlife</li> <li>● Responding to the Climate and Ecological Emergency</li> </ul>
Key Decision	NO
Exempt	NO
Consultees/ Consultation	Climate and Environment Overview and Scrutiny Committee, 23 March 2023.

## 1. BACKGROUND

- 1.1 Two motions from Council January 2023, the Council Resolved to refer the motions to the Climate & Environment Overview & Scrutiny Committee. The Councils Planning Policy Manager, Chris Hargraves reviewed the motions and recommended to the Climate & Environment Overview & Scrutiny Committee that both are included in the current Local Plan review. The Climate & Environment Overview & Scrutiny Committee agreed with the Officers recommendation.

## 2. CONCLUSIONS

That the recommendations from Overview and Scrutiny Committee be accepted by the Executive Committee.

## 3. FINANCIAL IMPLICATIONS

There were no financial implications.

## 4. LEGAL IMPLICATIONS

There were no legal implications.

## 5. RISK ASSESSMENT

There were no specific risks in adopting the motions.

## 6. EQUALITIES IMPACT

- 6.1 Under equality legislation, the Council has a legal duty to pay 'due regard' to the need to eliminate discrimination and promote equality in relation to:

- Race
- Disability
- Gender, including gender reassignment
- Age
- Sexual Orientation

- Pregnancy and maternity
- Religion or belief

The recommendations in this report has no particular impact on any of the above groups.

## **7. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS**

None.

## **8. BACKGROUND PAPERS**

Appendix I

(END)

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Motion C: Swift Nesting Sites - Proposed by Councillor St. John, Seconded by Councillor Dingwall.

Council is pleased to note that, to encourage nesting by swifts, swift brick planning conditions are already imposed as a matter of course on applications where the size and aspect of the building is appropriate. Council wishes to increase the availability of suitable nesting sites on domestic and commercial buildings for a bird that is a quintessential part of our spring and summer months and whose numbers have been declining rapidly for various reasons.

Council resolves to:

I. Consider options, as part of the current Local Plan review, for incorporating the practice of imposing swift brick conditions into a suitably worded planning policy.

Minutes:

Councillor Harry St. John proposed the motion, which details that the Council is pleased to note that, to encourage nesting by swifts, swift brick planning conditions are already imposed as a matter of course on applications where the size and aspect of the building is appropriate. Council wishes to increase the availability of suitable nesting sites on domestic and commercial buildings for a bird that is a quintessential part of our spring and summer months and whose numbers have been declining rapidly for various reasons.

Councillor St. John proposed that the resolutions attached to the motion are agreed by Council. This was seconded by Councillor Colin Dingwall.

After advice from the Chair that it would be reasonable for the motion to be referred to the appropriate Scrutiny Committee, Councillor St. John stated that he was happy for this to happen, as it would benefit for the relevant wording be attached to any resolutions in line with the Local Plan.

Council Resolved to refer the motion to the Climate & Environment Overview & Scrutiny Committee.

Motion B: Development Grampian Conditions - Proposed by Councillor. St. John, Seconded by Councillor Langridge.

This Council will seek to impose suitable 'Grampian' conditions on any development where the connection of the new dwellings or commercial space would impose additional flows of sewage and/or surface water into the local foul or surface water drainage systems, where these are unable to cope due to lack of adequate existing capacity.

This has been evidenced by pipe bursts, flooding, regular blockages and resultant flooding or surcharging either from main pipes, or at the eventual Sewage Treatment Works (STWs) serving the appropriate local system. When a system is upgraded to cope with the additional flows the development generates, then the development can proceed in accordance with the Local Plan. In particular the Council is concerned about schemes where surface water from a new development is proposed to be connected directly to a foul sewer unless the foul system has the capacity to treat the additional flows without storm events occurring at STWs – i.e. release of untreated sewage into the river system due to excess surface water in the system.

Council wishes to reduce/minimise the risk of untreated foul water being released onto land, into residents' property and into our river systems where Council Policy is to improve water quality, minimise pollution and enhance our natural environment - where necessary through suitable controls.

Council resolves to:

- I. Consider any options, as part of the current Local Plan review, for giving effect to this motion through planning policy.

Minutes:



Councillor Harry St. John proposed the motion, which details that the Council will seek to impose suitable 'Grampian' conditions on any development where the connection of the new dwellings or commercial space would impose additional flows of sewage and/or surface water into the local foul or surface water drainage systems, where these are unable to cope due to lack of adequate existing capacity.

This has been evidenced by pipe bursts, flooding, regular blockages and resultant flooding or surcharging either from main pipes, or at the eventual Sewage Treatment Works (STWs) serving the appropriate local system. When a system is upgraded to cope with the additional flows the development generates, then the development can proceed in accordance with the Local Plan. In particular the Council is concerned about schemes where surface water from a new development is proposed to be connected directly to a foul sewer unless the foul system has the capacity to treat the additional flows without storm events occurring at STWs – i.e. release of untreated sewage into the river system due to excess surface water in the system.

Council wishes to reduce/minimise the risk of untreated foul water being released onto land, into residents' property and into our river systems where Council Policy is to improve water quality, minimise pollution and enhance our natural environment - where necessary through suitable controls.

Councillor St. John proposed that the resolutions attached to the motion are agreed by Council. This was seconded by Councillor Richard Langridge.

After advice from the Chair that it would be reasonable for the motion to be referred to the appropriate Scrutiny Committee, Councillor St. John stated that he was happy for this to happen, as it would benefit for the relevant wording be attached to any resolutions in line with the Local Plan.

Council Resolved to refer the motion to the Climate & Environment Overview & Scrutiny Committee.

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**Annex C – Executive response provided by the Executive Member for Planning and Sustainable Development**

<b>Overview and Scrutiny meeting</b>	<b>Recommendation to the Executive</b>	<b>Lead Executive Member</b>	<b>Lead Officer</b>	<b>Executive response</b>
Climate and Environment Overview and Scrutiny Committee, 23 March 2023	1. That Officers include within the current review of the Local Plan specific policies in respect of Swift nesting sites, as per motion, see attachment Annex A.	Councillor Carl Rylett, Executive Member for Planning and Sustainable Development	Chris Hargraves, Planning Policy Manager	The Local Plan review will consider a range of policy options relating to nature recovery and biodiversity net gain including the use of measures such as swift bricks to encourage a reversal in their well-documented population decline.
Climate and Environment Overview and Scrutiny Committee, 23 March 2023	2. That Officers include within the current review of the Local Plan specific policies in respect of Development Grampian Conditions, as per motion, see attachment Annex B.	Councillor Carl Rylett, Executive Member for Planning and Sustainable Development	Chris Hargraves, Planning Policy Manager	The Local Plan review will seek to ensure that new developments are appropriately phased (e.g. through the use of appropriate planning conditions and/or infrastructure phasing plans) so that they are not able to come forward unless the appropriate supporting infrastructure is put in place. We will review different options to achieve this including policies in respect of Development Grampian Conditions

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of the Local Government Act 1972.

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