

# Public Document Pack



Tuesday, 23 September 2025

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## COUNCIL

You are summoned to a meeting of the Council which will be held in Council Chamber, Council Offices, Woodgreen, Witney, Oxfordshire OX28 1NB on **Wednesday, 1 October 2025 at 2.00 pm.**

Giles Hughes  
Chief Executive

To: Members of the Council

Councillors: Andrew Coles (Chair), Carl Rylett, Joy Aitman, Lidia Arciszewska, Thomas Ashby, Hugo Ashton, Mike Baggaley, Andrew Beaney, Michael Brooker, Adam Clements, David Cooper, Julian Cooper, Sandra Cosier, Steve Cosier, Rachel Crouch, Jane Doughty, Genny Early, Duncan Enright, Roger Faulkner, Phil Godfrey, Andy Goodwin, Andy Graham, David Jackson, Edward James, Natalie King, Liz Leffman, Nick Leverton, Dan Levy, Andrew Lyon, Paul Marsh, Martin McBride, Stuart McCarroll, Michele Mead, David Melvin, Rosie Pearson, Elizabeth Poskitt, Andrew Prosser, Nigel Ridpath, Geoff Saul, Sandra Simpson, Alaric Smith, Ruth Smith, Tim Sumner, Sarah Veasey, Liam Walker, Mark Walker, Adrian Walsh, Alex Wilson and Alistair Wray

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.
2. **Declarations of Interest**  
To receive any declarations from Members of Council on any items to be considered at the meeting.
3. **Minutes of Previous Meeting (Pages 11 - 20)**  
To approve the minutes of the meeting held on 16 July 2025.
4. **Receipt of Announcements**  
To receive any announcements from The Chair, Leader, Members of the Executive, Head of Paid Service, Director of Finance or Director of Governance.
5. **Participation of the Public**  
To receive any submissions from members of the public, in accordance with the Council's [Public Participation Rules](#).

The deadline for submission is 2.00pm, two clear working days before the meeting.

6. **Questions by Members**  
The following questions have been submitted by Members of Council to Members of the Executive, in accordance with the Council Procedure Rules (Constitution Part 5A, Rule 12).

Written responses will be circulated to Members and published on the Council's website at least one working day prior to the meeting. A Member submitting a question is entitled to ask one supplementary question at the meeting which must arise directly from the question or the response to it.

The supplementary questions and answers will be detailed in the minutes of the meeting.

**Question 1: From Councillor Ruth Smith to Councillor Tim Sumner, Executive Member for Leisure and Carterton Area Strategy Executive:** The playing fields at Madley Park in Witney have not been maintained for football or other sports, and therefore have not been used for football or other sports, for a number of years. There was a 2002 agreement between WODC and Wood Green School about their community and school use. The Pitch Playing Strategy and its update provide evidence that Witney's football pitches are used heavily and more are required for training and for matches. We hear from the clubs that this is keenly felt. Please can you give Council an update on WODC's next steps to get football going again on that site?

**Question 2: From Councillor Ruth Smith to Councillor Tim Sumner, Executive Member for Leisure and Carterton Area Strategy Executive:** Local basketball team representatives have been in touch with all 3 tiers of council to express interest in getting the outdoor court at the Windrush Leisure Centre operational as well as indoor courts. Can you please give an update on what steps can be taken by WODC -itself or in partnership with OCC or WTC or Better - to get that outdoor court up to the current

specifications for that sport, in order to unlock another amenity and sport for our area?

**Question 3: From Councillor Ruth Smith to Councillor Andrew Prosser Executive Member for Climate Action and Nature Recovery:**

Last year, a number of trees were felled in the WODC Wood Green carpark. Local residents, who witnessed the work, have been asking me questions about the reasons and permissions for felling those trees. Can you please update Council on the process that was followed for that tree work?

**Recommendations from the Executive and the Council's Committees**

**7. Community Infrastructure Levy Charging Schedule (Pages 21 - 60)**

Purpose

To consider formal approval of the District Council's Community Infrastructure Levy (CIL) Charging Schedule following independent examination.

Recommendation

The Executive on 10 September 2025 resolved to recommend to Council to:

1. Approve the Community Infrastructure Levy Charging Schedule attached at Annex B with an effective date of 31 January 2026 in accordance with Section 213 of the Planning Act 2008.
2. Delegate authority to the Head of Planning to further progress work on the draft CIL Implementation Plan, in consultation with the Executive Member for Planning.

**Reports from Officers**

**8. Options for Out of District Investment Property (Pages 61 - 68)**

Purpose

To request Council to consider an officer recommendation to dispose of the out of district property, in accordance with the terms and reasons outlined in the report.

Recommendations

That Council resolves to:

1. Approve the property disposal on the terms detailed in the report
2. Delegate authority to the Director of Finance, in consultation with the Executive Member for Finance, to approve the final terms of sale including the sale price.

**9. Recommendations from the Constitution Working Group (Pages 69 - 94)**

Purpose

To present Council with recommendations arising from meeting of the Constitution Working Group held on 17 September 2025.

Recommendations

That Council resolves to:

1. Approve the updated Part 4G: Other Miscellaneous Functions (Annex A)
2. Approve the updated Part 4F: Functions in relation to Planning
3. Approve the updated rules for taking part in planning committees.

10. **Appointments to Working Groups**

Purpose

To inform Council of changes to working group membership made under delegated authority.

Recommendations

That the Council resolves to:

1. Note that Councillor Sarah Veasey has replaced Councillor Adrian Walsh on the Local Plan Working Group
2. Note that Councillor David Melvin has replaced Councillor Lidia Arciszewska on the Local Government Reorganisation Working Group
3. Ratify the changes above.

**Motions on Notice**

Under the 13.4 of the Council's constitution, 60 minutes total is allowed for motions on notice but there is no time limit for each individual motion.

11. **Motion A: Asylum Seeker Community and Council Support - Proposed by Councillor Andy Graham, Seconded by Councillor Duncan Enright**

West Oxfordshire District Council reaffirms

- a) its pride and appreciation in the way our local community has and have come together to support asylum seekers. Local organisations, voluntary groups and our officers have shown professionalism and empathy to the plight of the families staying in the hotel in Witney for short periods while their asylum applications are processed. It has been a good collaborative effort across public sector partners to support the hotel and make sure those staying there are supported as well as local communities. We have seen our communities donate clothes, bicycles and other items to help the predominantly families housed in the hotel. The empathy and compassion shown is a true testament to the strong, inclusive communities we have here in West Oxfordshire.

This Council reaffirms

- b) that there is no room for those who wish to divide our communities by raising fear through misinformation and heightened rhetoric. We believe hotels are not the best form of accommodation in the long term for those seeking asylum and we expect the government will continue to look at alternatives in a pragmatic and measured way to reduce their use. We will continue to work with partners to ensure the hotel is well managed while it remains in its current use.

This Council believes

- c) As it currently stands the Council have no intention of pursuing any planning enforcement against the hotel in Witney as we do not believe there are any planning or other grounds to take enforcement action

12. **Motion B: Tackling the Illegal and Unsafe Use of E-Bikes in West Oxfordshire- Proposed by Councillor Liam Walker, Seconded by Councillor Jane Doughty**

West Oxfordshire District Council notes that the number of e-bikes and e-scooters being used illegally across Witney and the wider district has increased significantly in recent months. Residents, schools, businesses, and community groups have raised

concerns about dangerous riding, use of e-bikes on pavements, the lack of helmets, and underage riders. Illegal and unsafe e-bike use poses risks to pedestrians, other road users,

and to the riders themselves.

The Council also recognises that whilst some successful enforcement has already taken place by Thames Valley Police, local authorities have an important role to play in prevention, awareness, and partnership working to address this issue.

Council resolves to:

1. Work with Thames Valley Police and Oxfordshire County Council to explore options for joint enforcement and awareness campaigns targeting unsafe and illegal e-bike use.
2. Launch a district-wide public awareness campaign to inform residents—especially young people and parents—about the rules around e-bikes, the risks of illegal use, and safe cycling practices.
3. Request the Executive to explore opportunities for funding community safety initiatives such as cycle safety workshops, signage, and school engagement projects.
4. Ask the Leader to write to the Police and Crime Commissioner for the Thames Valley urging greater prioritisation of enforcement against dangerous and illegal e-bike use in West Oxfordshire.

13. **Motion C: Boosting Workplaces and Young People by Supporting Work Experience in the District - Proposed by Councillor Ruth Smith, Seconded by Councillor Rachel Crouch**

**Recommendation for Council to vote on:**

Council asks the Executive Committee to work with officers and members to develop a simple but effective system for West Oxfordshire employers to be kept aware of the work experience dates for schools in the district, and for employers to be able to indicate willingness to offer work experience places, so that the process is more equitable for young people.

This is an initiative that can outlast Local Government Reorganisation as a valuable piece of local implementation of goals that fall under a wider authority.

**Context for the motion:**

Work Experience forms part of careers education at Key Stages 4 and 5 (year 10-11 and 12-13).

Gatsby Benchmark 6, within Statutory Guidance updated in May 2025 [1], states:

*Every learner should have first-hand experiences of workplaces to help their exploration of career opportunities and expand their networks [by the ages of 16 and 18].*

In West Oxfordshire, this means that schools release their students for one week of work experience in Year 10 or 11 and in Year 12.

But despite the things the County Council and schools do, families and students still find it hard to know what local opportunities there are with employers.

Many school students find placements with friends and family. Whilst convenient, this is not a level playing field and doesn't necessarily match a student's interests. Schools use their contacts for students who seem to have the most trouble finding their own placement.

Schools have a lead member of staff, trained through the Oxfordshire Careers Hub, run by Oxfordshire Enterprise (Oxfordshire County Council). Each school does things its own way to build relationships with local companies.

West Oxfordshire has the West Oxfordshire Schools Careers Partnership, with well-trained staff at each school and attempts to publicise work experience dates for each school to employers. WOSCP has no web presence of its own; it is cited by schools on their own sites.

We can improve the situation in West Oxfordshire.

This motion seeks, as part of WODC's business-facing responsibilities, in line with its funding commitments to skills training (e.g. WODC's allocation of the UKSPF) and its investment in a Youth Development officer, to help residents find employers in West Oxfordshire employers that offer placements - with a web page that:

- Informs West Oxfordshire employers of all the schools' work experience dates
- Allows expression of interest or pledges of placements to be offered
- Provides a way for employers to promote their participation and how to contact them appropriately
- Retains the autonomy of companies to select their own candidates, but from a platform that signals willingness to engage, and equal opportunity.
- Signposts to and integrates with the initiatives of Oxfordshire Enterprise and the Careers Hub without duplication

Success will be if placements are found more easily and if employers report a boost to their community profile.

Officers may wish to work with schools, WOSCP and the Oxfordshire Careers Hub to shape the most effective format for this project.

[1] <https://www.gov.uk/government/publications/careers-guidance-provision-for-young-people-in-schools/careers-guidance-and-access-for-education-and-training-providers#benchmark-6-experiences-of-workplaces>

14. **Motion D: The Impact of the Planning and Infrastructure Bill on Local Planning and Environmental Protection - Proposed by Councillor Genny Early, Seconded by Councillor Andrew Prosser**

Council Notes:

1. The Planning and Infrastructure Bill proposes new systems like Environmental Delivery Plans (EDPs) and a Nature Restoration Levy (NRL), which would affect how Local Planning Authorities (LPAs) handle development whilst protecting nature.

2. Under the Bill, Natural England will prepare EDPs, with decisions signed off by the Secretary of State for Housing rather than the SoS for the Environment. This takes away local council input, could ignore Local knowledge about wildlife /habitats, end the onsite mitigation and delivery of compensation within the district.

3. The Bill suggests EDPs could replace the need for on-site ecological surveys/ impact assessments, which ensure development doesn't harm protected species or habitats.

4. Since 2024, councils are responsible for ensuring new developments achieve Biodiversity Net Gain (BNG), which requires developers to carry out habitat surveys, improve biodiversity by > 10%, and manage those improvements for 30 years. The Bill does not replace/remove BNG, but introduces extra layers without explaining how they will work together, risking confusion, duplication, and extra workload for councils.

5. The Government says the Bill will make planning decisions faster for developers, but centralising key decisions, involving the Secretary of State and multiple national bodies

like Natural England, and still needing to consult councils, could increase complexity and time.

**Council Believes:**

1. The Bill should specify how the mitigation hierarchy will be applied so avoidance of harm to nature is always the first priority, closing loopholes that could make compensation the default.
2. Local councils/ communities should continue to play a key role in planning for biodiversity, using local knowledge. Pre-applications enable Local Planning Authorities to work collaboratively with developers to make planning applications and BNG proposals better quality.
3. Removing local control of environmental planning, relying instead on national agencies, could lead to worse outcomes for wildlife, and less accountability. Whilst landscape-scale conservation is needed, the EDP/NRL approach could lead to localised declines in biodiversity.
4. Without on-site ecological surveys/impact assessments, which ensure new developments follow the law and protect nature, information about the loss of locally important populations would not be recorded and national declines in species may be missed or inadequately compensated.
5. Any new environmental systems must be joined up with existing BNG requirements. Councils must get resources to manage them.
6. Species are rarely “blockers” to development - few developments are refused for ecological reasons in West Oxfordshire. However, EDPs could be beneficial if applied to diffuse environmental impacts such as air and water quality, recreational pressure and nutrient neutrality.

**Council Resolves:**

To request that the Leader of the Council writes to the relevant Ministers/local MPs, outlining the Council’s concerns, calling for changes to better protect wildlife while enhancing local democracy and planning accountability:

- Adopt the amendment proposals from CIEEM;
- Keep on-site ecological surveys/impact assessment as a key part of planning;
- Ensure councils are involved in EDPs, to reflect local knowledge and Local Nature Recovery Strategies;
- Explain how EDPs, the NRL and BNG will work together;
- Provide councils with support/funding to do this well.

15. **Motion E: Israel-Palestine - Proposed by Councillor Andy Goodwin, seconded by Councillor Rosie Pearson**

Many residents and community groups of West Oxfordshire have raised concerns about the humanitarian crisis in Israel/Palestine. Some residents are directly affected by the situation with family there.

The situation in Israel / Palestine is appalling. The background is long and complex. Hamas's massacre of innocent Israeli people in October 2023 was heinous. Since 2001, the UK government has imposed comprehensive sanctions on Hamas and its leaders. The UK Government has been proscribed Hamas as a terrorist organisation, it is a crime to belong to or invite support of Hamas. The remaining Israeli hostages must be returned.

The current actions of the Israeli government are unacceptable:

- The UN indicates that the IDF may have systematically violated the principles of distinction, proportionality and precautions in attack – fundamental principles of international humanitarian law.
- The UN Human rights office says that the establishment and expansion of Israeli settlements in the West Bank and east Jerusalem amount to a war crime.
- The IPC (Integrated Food Security phase classification) says more than 500,000 people in the Gaza Strip are facing starvation destitution and death.

The UK government has been critical of recent events, restored funding to UNWRA, committed more aid to Gaza, suspended more arms licences to Israel, and added sanctions on several Israeli ministers and two “illegal settler outposts” in the West Bank.

We ask the Leader of WODC to write to local MPs and the secretary of state to draw their attention to the concerns raised by residents, asking:

- Call for Hamas to end all acts of terrorism and war crimes, to return all Israeli hostages immediately and unconditionally.
- Confirm the UK would execute ICC arrest warrants against those accused of crimes in the conflict if they visited the UK.
- Introduce an arms embargo on Israel, including component parts of military equipment delivered via third parties and apply economic sanctions on all leaders of the Israeli government.
- Stop trade with Israeli settlements in occupied territories, call for the Israeli government to protect citizens of the West Bank from the increased levels of violence and not allow new Israeli settlements in occupied territories.
- Call for the Israeli government to allow international journalists access to Gaza.
- Call for the Israeli government to end their war crimes against Palestinians including: disproportionate use of force in Gaza; planned military operations in Gaza city; restricting aid organisations in delivery of humanitarian aid into Gaza; and demolition of infrastructure in Gaza.
- Set up an evacuation scheme for the seriously injured and malnourished, similar to that instigated by the Italian government

This Council:

- Endorses the right of citizens to peaceful protest, including vigils, in the UK and welcomes the ability of communities to challenge and scrutinise decisions taken by elected representatives.



- Requests the Portfolio Holder for Finance to undertake a review of the Council's Treasury Management Strategy and where no contrary legal requirement exists, to avoid investing in authorities, institutions or groups that participate in, enable, profit from or legitimise violations of human rights and international law.

**16. Date of Next Meeting**

Purpose

At the previous Council meeting, the Chair used their discretion to schedule an extraordinary meeting, to be held on 22 October 2025 in order to agree the Council's proposal for Local Government Reorganisation. In order to align this with other

Recommendations

That Council resolves to:

1. Agree to move the date of the Extraordinary Council Meeting on 22 October 2025 to 5 November 2025 at 2pm.
2. Agree to move the date of the November Overview and Scrutiny meeting from 5 November 2025 to 4 November 2025 at 2pm.

**17. Exclusion of Public and Press**

If Council wishes to exclude the press and the 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 Council to pass a resolution in accordance with the provisions of section 100A of the Local Government Act 1972 on the grounds that their presence could involve the likely disclosure of exempt information as described in paragraph 3 of Schedule 12A of the Local Government Act 1972.

Council may maintain the exemption if and so long as, in all the circumstances of the case, the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

**18. Exempt Annex C for item 8: Out of district investment property (Pages 95 - 96)**

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## WEST OXFORDSHIRE DISTRICT COUNCIL

### Minutes of the meeting of the Council

Held in the Council Chamber, Council Offices, Woodgreen, Witney, Oxfordshire OX28 1NB  
at 2.00 pm on **Wednesday, 16 July 2025**

### PRESENT

Councillors: Andrew Coles (Chair), Carl Rylett (Vice-Chair), Joy Aitman, Lidia Arciszewska, Thomas Ashby, Hugo Ashton, Mike Baggaley, Andrew Beaney, Michael Brooker, David Cooper, Julian Cooper, Sandra Cosier, Steve Cosier, Rachel Crouch, Genny Early, Duncan Enright, Roger Faulkner, Phil Godfrey, Andy Goodwin, Andy Graham, Edward James, Natalie King, Nick Leverton, Dan Levy, Andrew Lyon, Paul Marsh, Martin McBride, Michele Mead, David Melvin, Rosie Pearson, Elizabeth Poskitt, Andrew Prosser, Nigel Ridpath, Geoff Saul, Sandra Simpson, Alaric Smith, Ruth Smith, Tim Sumner, Sarah Veasey, Liam Walker, Adrian Walsh, Alex Wilson and Alistair Wray

Officers: Andrew Brown (Head of Democratic and Electoral Services), Madhu Richards (Director of Finance), Andrea McCaskie (Director of Governance), Phil Martin (Director of Place), Maria Harper (Democratic Services Assistant), Barry Bodin-Jones (Lead Project Manager), Jasmine McWilliams (Assets Manager) and Mark Pritchard (Head of Communications and Corporate Strategy)

Other Councillors in attendance:

#### **CL.14 Apologies for Absence**

Apologies for absence were received from: Councillors Adam Clements, Jane Doughty, Liz Leffman, David Jackson, Stuart McCarroll and Mark Walker.

#### **CL.15 Minutes of Previous Meeting**

The minutes of the meeting held on 21 May were considered.

Councillor Andy Graham, Leader of the Council, proposed accepting the minutes, and Councillor Duncan Enright second this proposal.

The minutes were voted on and agreed.

Voting record – For 36, against 0, abstain 2, did not vote 5

#### **CL.16 Declarations of Interest**

Declarations of Interest were received as follows:

Councillor Duncan Enright declared that he knew one of the tenants in the investment property under Item 15, and therefore stated he would leave the Chamber for that item.

Additionally, the Chair reminded members that a standing dispensation had been granted by the Monitoring Officer for Item 11 (regarding members' allowances), so no declarations were required for that item.

#### **CL.17 Receipt of Announcements**

The Chair announced the sad passing of Brenda Smith, a former Councillor. The Chair invited tributes from Councillors.

Councillor Julian Cooper, who was elected to the Council along with Brenda Smith in 1986 described her as one of the finest people he had ever met. Councillor Cooper shared a personal anecdote about Brenda's commitment to local issues. He highlighted her tenure as Chair of the Public Health Committee and her remarkable recovery from a terminal cancer diagnosis, which allowed her to continue serving the community for another 30 years. He concluded by acknowledging her lifelong support and the cross-party respect shown at her funeral.

The Council held a minute of silence in Brenda Smith's honour.

The Chair then made the following announcements:

- Members and officers were thanked for their condolences following his personal bereavement.
- The Chair had requested the Chief Executive to summon an extraordinary meeting of the Council, which was Scheduled for 22 October 2025 to consider proposals local government reorganisation in Oxfordshire.
- Members were reminded to review and return their printed register of interests.
- Councillor Sandra Cosier was welcomed to her first meeting.
- Work experiences students Toby, Molly, and Thomas were welcomed.
- Thanks were extended to those who attended the flag-raising event for Armed Forces Day, which included participation from all political parties and local air cadets.
- There were two member learning and development events upcoming – a Planning briefing on Thursday, 17 July at 5:30pm on Teams and Questioning Skills training on Thursday, 24 July at 5:30pm on Teams.

The Vice-Chair announced that he had attended the unveiling of a plaque in Finstock for John Kibble, a local historian and stonemason.

The Deputy Leader, Councillor Duncan Enright, announced a new shop front improvement grant of up to £1,000 which was open until September.

The Executive Member for Health and Wellbeing reported on the first mental health summit, attended by 13 organisations. There were plans to make it an annual event.

The Executive Member for Housing and Social Care outlined plans to redevelop part of the Woodford Way car park into up to 70 affordable homes, including emergency accommodation.

The Executive Member for Climate Change announced that West Oxfordshire was named the top-performing rural district in the UK in the 2025 National Council Climate Action Scorecards.

The Executive Member for Planning made the following announcements:

- 1) Members were reminded of upcoming consultation events on the Local Plan on Tuesday 22 July at Witney Corn Exchange, 2pm-8pm, and Charlbury on Wednesday 23 July at Charlbury Community Centre, 4pm-8pm.
- 2) The Council's Community Infrastructure Levy (CIL) had been largely recommended with some modifications by the inspector and would come to Council for adoption in the autumn.

There were no further announcements.

#### **CL.18 Participation of the Public**

There was no participation of the public.

#### **CL.19 Questions by Members**

Questions by Members, as listed on the agenda, and the responses to those questions, which were circulated in advance, were taken as read.

The Chair invited the questioners to ask a supplementary question if they wished and then invited the relevant Executive Members to respond.

The Written Questions, Written Answers, Verbal Supplementary Questions and Verbal Supplementary Answers are detailed in a separate document appended to the Minutes of the Meeting.

Due to a car parking issue Councillor Rosie Pearson left the meeting and returned partway through the item.

#### **CL.20 Appointments to Outside Bodies**

The purpose of the item was to provide a list of appointments to Outside Bodies for the civic year 2025/26.

Councillor Andy Graham, Leader of the Council introduced the item and proposed accepting the recommendation to note the appointments. Councillor Graham stated that a review had been carried out during the 2024/25 Civic year, and that a survey had been sent to outside bodies, gathering information on contact details, purpose and type of organisation, roles and duties of appointed members, and whether a WODC member appointment was a constitutional requirement. The responses were used to inform the Leader's appointments to outside bodies, to ensure that appointments were meaningful and constitutionally appropriate.

Councillor Duncan Enright, the Deputy Leader seconded the recommendations.

The Leader was asked how appointments would be evaluated for effectiveness. The Leader and Deputy Leader explained that the purpose of the review was to establish this, and that the improved contact list would further allow this to happen on a regular basis.

The recommendation was voted on and approved unanimously.

The Council resolved to note the appointments to outside bodies as set out in Annex A;

Voting record – For 41, against 0, abstain 0, did not vote 2

#### **CL.21 2024/25 Quarterly Finance Review Q4**

The purpose of the item was to report the financial performance of the Council in 2024/25. Councillor Alaric Smith, Executive Member for Finance, introduced the report. The Executive member stated that;

- The Council had achieved a small surplus of £6,345, slightly above the budgeted contribution of £5,107 to general fund reserves.
- Key financial pressures included:
  - Temporary emergency accommodation: overspend of £489,887 due to increased demand (average of 80 households, up from 60 in 2022/23).
  - Limited Council-owned temporary accommodation (22 units), with the remainder housed in B&Bs or hotels.
- Positive variances included:

- Treasury management income: £625,000 above budget due to higher interest rates.
- Trade waste income: £110,600 underspend due to improved contract enforcement and billing.
- A £1.3 million transfer was made to a new reserve to mitigate potential future business rates income loss from the fairer funding review proposals.

Members discussed the report and raised the following questions of clarity,

- How many of the 60 temporary housing accommodation places would the Council be providing. The Executive Member for Housing and Social Care explained that the Council's target was to provide 30 of these, 8 in North Leigh.
- Details about the property in North Leigh were requested, it was stated by the Director of Finance that this could not be publicly discussed as the sale was ongoing but that they would email the member who asked the question.
- Details about Carterton Unit 3 were requested, but the Chair explained it was outside of the scope of this item.

In debate, a member of the alliance stated that the Council had turned around earlier forecasts of overspend, and that the capital programme was being used effectively to deliver social rent housing and other priorities. However, they also made reference to the projected loss of income from the fairer funding review.

The Leader seconded the item and commended Cllr Smith for their work. The recommendations were put to a vote and agreed.

Council resolved to:

1. Agree to carry forward the capital budget of £4,951,242.
2. Approve the transfers to and between Earmarked Reserves as detailed in the report.

Voting record – For 42, Against 0, abstain 0, did not vote 1

## **CL.22 Public Sector Decarbonisation Scheme Phase 3c Windrush Leisure Centre**

Councillor Andrew Prosser, Executive Member for Climate Action and Nature Recovery, introduced the item, the purpose of which was to present the business case for the decarbonisation of Windrush Leisure Centre. In his introduction, the Executive Member:

- Explained that the proposal was to replace the gas fired heating system with Air Source Heat Pumps, and that the report sought approval to proceed to the construction phase and allocate additional Council funding.
- Highlighted that the scheme would result in an 8.8% reduction in the Council's total carbon emissions with a lifetime carbon saving of 5100 tons, helping the Council

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reach its target of carbon neutrality by 2030.

- Stated that the total capital cost of the project was estimated over £2 million, with the Council's contribution being over £500,000.
- Noted that the project must be delivered and operational by 31 March 2026 to receive grant funding.
- Also noted that there was an error in the report, which stated that the carbon reduction saving was 39%, while it was actually 60%.

In the discussion, members raised the following points:

- The point that demolishing the existing leisure center and constructing a new one may be a better option was raised, but it was noted that demolition would be worse for carbon dioxide emissions.
- The potential risks and closure of the leisure center due to extremely cold weather were raised. The Executive Member noted that the risk would only be in very cold weather and an electricity sub-station nearby the leisure center would mitigate the issues.

The Director of Place explained that there was no fixed cost for the project at present and that costs would be properly outlined in September/October this year. They also noted that there was a 10-year commitment to the Windrush Leisure Centre with this project after the issue was raised of having to keep it for potentially 20 years.

Councillor Prosser proposed accepting the recommendations in the report.

Councillor Sumner seconded the recommendations and highlighted that West Oxfordshire had been named the top rural district in the UK for

climate action, explaining the significance would have on helping the community prevent climate change.

The proposal was voted on and approved.

Council resolved to:

- I. Allocate an additional Council contribution of £340,683 towards the project in addition to the £224,866 already included within the capital programme.

Voting record- For 30, Against 5, Abstain 7, Did not vote

#### **CL.23 Carterton Units 1-3 and Station Lane Roofing Project**

The item was taken after the members' allowances item at the Chair's discretion.



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The purpose of the report was to request funding for the re-roofing of investment and service properties that form part of the Capital Expenditure Budget for 2025/26. It was also the purpose to seek approval of these costs so that officers could proceed with the works with external contractors. Councillor Alaric Smith, the Executive Member for Finance, introduced the item, highlighting the following points;

- The Council owned the head leases for three commercial units in Carterton and a property on Station Lane.
- These properties required urgent roofing works due to roof failure, the presence of asbestos and poor environmental performance. The works were considered essential.
- Due to the scale and complexity of project, a specialist procurement framework was utilised.
- Carrying out the works as a single project would allow the Council to take advantage of economies of scale.

In debate one member raised concerns about the reliability of any guarantees, given past issues with roofing. The Executive Member and the Director of Finance confirmed that contractors had been selected through a rigorous framework with strong vetting processes to ensure quality and reliability.

Councillor Andy Graham, Leader of the Council, seconded the recommendation and stated that a lack of an asset strategy under the previous administration delayed unnecessary works, and completing the repairs would help maintain rental income and avoid rent reductions due to poor conditions.

Council resolved to:

1. Allocates the total cost detailed in Annex A to the project from the Investment Properties Programme.
2. Delegate authority to Director of Finance (\$151), in consultation with Executive Member for Finance, to approve the final cost of the projects.

Voting record – For 40, Against 0, Abstentions 1, Did not vote, 1

#### **CL.24 Review of Members' Allowances Scheme**

This was taken before the item on Carterton units 1-3 at the Chair's discretion.

The purpose of the item was to consider recommendations made to Council by the Independent Remuneration Panel. The Leader introduced the item and explained the changes that had been proposed to the scheme by the Council's Independent Remuneration Panel. The Leader explained that the Council was able to pay an allowance to its co-opted members. The Council had co-opted members for two different purposes which was for advising on

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standards matters and those who sat on the Audit and Governance Committee. Due to the distinction between these two roles, the Panel had recommended that the allowances be paid at different rates for these roles. The Leader also explained that the Panel had recommended paying a special responsibility allowance to the Vice-Chair of Council with the view to reviewing the specific amount at a future review and had discussed but did not make any recommendations on whether to pay an ICT allowance. The Leader thanked the members of the Independent Remuneration Panel for their work.

In introducing the item, the Leader proposed an alteration to the fourth recommendation, which as amended read as “Note that the next meeting of the Independent Remuneration Panel will be in 2026, ahead of the next full review, so that a new members’ allowances scheme can be in place for 1 April 2027.”

Councillor Duncan Enright seconded the recommendations as amended, commending the Council’s decision to adopt a four-year scheme.

Council resolved to:

1. Agree to introduce a Special Responsibility Allowance (SRA) set at 0.25x of the Basic Allowance (BA) for the position of Vice-Chair of Council, backdated to 21 May 2025.
2. Retain the existing Co-optees’ Allowance (£75 for up to four hours and £150 for more than four hours but less than 24 hours for eligible meetings and other duties as in 5.1 of the Members Allowance Scheme 2023-2027) for Independent Members of the Audit and Governance Committee.
3. Agree that the Co-Optees’ Allowance for Independent Persons who are consulted on standards matters, will be set at a flat rate of £1000 a year, backdated to 1 April 2025.
4. Note that the next meeting of the Independent Remuneration Panel will be in 2026, ahead of the next full review so that a new members’ allowances scheme can be in place for 1 April 2027.

Voting record – For 41, Against 0, abstain 0, did not vote 2

#### **CL.25 Motions on Notice**

There were no motions.

#### **CL.26 Exclusion of Public and Press**

The Chair, Councillor Andrew Coles, introduced the item and explained that the Council was required to consider whether to exclude the press and public from the meeting during discussion of Agenda Item 15, due to the sensitive nature of the financial information involved.

The motion was proposed and seconded, put to a vote and agreed unanimously.

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Council resolved to:

Exclude the press and public from the meeting in accordance with the provisions of Section 100A(4) of the Local Government Act 1972 on the grounds that their presence could involve the likely disclosure of exempt information as defined in Paragraph 3 of Schedule 12A of the Local Government Act 1972, with the public interest in maintaining the exemption outweighing the public interest in disclosing the information.

**CL.27 Exempt Annex A to Item 10 Carterton Units 1-3 and Station Lane Roofing Project**

This was not discussed.

**CL.28 Options for Investment Property in Witney**

The purpose of the item was to request Executive to consider a recommendation to dispose of the property in Witney on the open market for the reasons set out in the report.

Councillor Enright left the room, having declared an interest earlier on.

Councillor Alaric Smith, The Executive Member for Finance, proposed accepting the recommendations

Councillor Andy Graham, the Leader of the Council seconded the recommendations.

The recommendations were put to a vote and agreed.

Council resolved to:


1. Agree that the property should be disposed of on the open market

Delegate Authority to the Director of Finance, in consultation with the Executive Member for Finance, to approve the final terms of sale including the sale price.

The Meeting closed at 3.40 pm

CHAIR

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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>COUNCIL – 1 OCTOBER 2025</b></p>
<p>Subject</p>	<p><b>COMMUNITY INFRASTRUCTURE LEVY (CIL) CHARGING SCHEDULE</b></p>
<p>Wards Affected</p>	<p>ALL</p>
<p>Accountable Member</p>	<p>Councillor Hugo Ashton – Executive Member for Planning Email: <a href="mailto:hugo.ashton@westoxon.gov.uk">hugo.ashton@westoxon.gov.uk</a></p>
<p>Accountable Officer</p>	<p>Chris Hargraves – Head of Planning Email: <a href="mailto:chris.hargraves@westoxon.gov.uk">chris.hargraves@westoxon.gov.uk</a></p>
<p>Report Author</p>	<p>Kim Hudson – Principal Planning Policy Officer Email: <a href="mailto:kim.hudson@westoxon.gov.uk">kim.hudson@westoxon.gov.uk</a></p>
<p>Purpose</p>	<p>To consider formal approval of the District Council’s Community Infrastructure Levy (CIL) Charging Schedule following independent examination.</p>
<p>Annexes</p>	<p>Annex A - Independent Examiner’s Report on the Draft West Oxfordshire District Council CIL Charging Schedule</p> <p>Annex B - Community Infrastructure Levy Charging Schedule (DCS)</p>
<p>Recommendations</p>	<p>The Executive on 10 September 2025 resolved to recommend to Council to:</p> <ol style="list-style-type: none"> <li>1. Approve the Community Infrastructure Levy Charging Schedule attached at Annex B with an effective date of 31 January 2026 in accordance with Section 213 of the Planning Act 2008.</li> <li>2. Delegate authority to the Head of Planning to further progress work on the draft CIL Implementation Plan, in consultation with the Executive Member for Planning.</li> </ol>
<p>Corporate Priorities</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> <li>• Working Together for West Oxfordshire</li> </ul>
Key Decision	NO
Exempt	NO
Consultees/ Consultation	The West Oxfordshire CIL draft charging schedule was published for an 8-week period of public consultation in August/ September 2024.

## **1. INTRODUCTION**

- 1.2** Members will be aware that the Community Infrastructure Levy (CIL) is a charge that may be levied on most forms of development to help fund a range of infrastructure across the District.
- 1.3** Following a number of previously unsuccessful attempts to introduce CIL into West Oxfordshire, Members agreed that work should commence on a new CIL draft charging schedule in 2023 and new viability evidence should be commissioned to inform both CIL and in due course, the new Local Plan 2041.
- 1.4** Following work on a new Viability Assessment, the draft CIL charging schedule was published for an 8-week period of public consultation in August/ September 2024.
- 1.5** On close of this consultation, the responses received were considered and a number of minor modifications to the draft charging schedule were made before it was formally submitted for independent examination on 4 March 2025.
- 1.6** The examination involved a virtual hearing session held on 10<sup>th</sup> June 2025 after which the appointed CIL examiner issued his report on 18<sup>th</sup> July 2025 (attached at Annex A).
- 1.7** Importantly, the examiner has approved the Council's charging schedule, subject to one modification (EM1), which is required to meet the necessary drafting requirements: a reduction in the proposed rate for larger residential developments of 250 or more homes, from £225 per square metre to £150 per square metre (excluding strategic development areas).
- 1.8** A further modification (EM2), whilst not necessary to meet the drafting requirements, has been recommended for completeness and includes a number of minor typographical and drafting amendments which the District Council put forward when submitting the draft CIL charging schedule for examination.
- 1.9** Taking account of these two modifications, the final CIL charging schedule is attached at Annex B.

## **2. BACKGROUND TO CIL**

- 2.1** The Community Infrastructure Levy (CIL) is a charge that can be levied on most forms of development to help fund the infrastructure that is needed to support the future growth of

an area. CIL is intended to complement and ‘co-exist’ alongside the current system of Section 106 planning obligations.

- 2.2 Whereas S106 agreements focus on site-specific matters and are agreed through a process of negotiation, CIL is effectively a fixed charge that can be spent on new and enhanced infrastructure across the whole District.
- 2.3 Section 106 agreements will remain a matter for negotiation based on site specific and local considerations and it is therefore important that key stakeholders, in particular Town and Parish Councils, are given the opportunity to input into such discussions.
- 2.4 The key advantage of CIL is that, unlike Section 106 agreements, which tend to apply to larger developments only, CIL can be charged on much smaller scales of development, thus ensuring that the cumulative impact of such development can be addressed through new and improved infrastructure provision.
- 2.5 Specifically, subject to certain exceptions, CIL is generally payable on all new dwellings and on other forms of development which involve the creation of more than 100m<sup>2</sup> net additional floorspace. The amount charged through CIL must be based on evidence of viability to ensure that it does not hinder development from coming forward.
- 2.6 CIL rates must be set out in a document called a ‘Charging Schedule’ which explains what types of development are liable for CIL and the relevant rates that apply. Rates are expressed as pounds (£) per square metre.

### 3. DRAFT CIL CHARGING SCHEDULE

- 3.1 The West Oxfordshire CIL Charging Schedule is attached at Annex B and the rates which have been approved by the independent examiner are summarised below. These rates will be indexed for inflation annually.

#### Residential CIL rates

- 3.2 The charging schedule identifies the following CIL rates (£ per m<sup>2</sup>) for residential uses:

CIL Zone	£ per m <sup>2</sup>	Notes
Residential District-wide of less than 250 homes (Greenfield)	£225	Includes mixed housing development (i.e. a mix of housing and flats).  On-site affordable housing on 11+ units.



		<p>Nil Affordable Housing on sites between 1-10 units.</p> <p>Affordable Housing financial contributions apply on sites between 6-10 units in the Cotswolds National Landscape (formerly AONB).</p>
Residential District-wide of 250 homes or more (Greenfield)	£150	<p>Includes mixed housing development (i.e. a mix of housing and flats).</p> <p>On-site affordable housing applies in all cases.</p> <p>Excludes defined Strategic Sites.</p>
Residential District-wide (Previously developed land)	£125	<p>Includes mixed housing development (i.e. a mix of housing and flats).</p> <p>On-site affordable housing on 11+ units.</p> <p>Nil Affordable Housing on sites between 1-10 units.</p> <p>Affordable Housing financial contributions apply on sites between 6-10 units in the Cotswolds National Landscape (formerly AONB).</p>
100% Flatted only development District-wide	£25	
Defined Strategic Sites	£0	<p>Defined sites include: Salt Cross Garden Village, West Eynsham, North Witney,</p>

		East Witney; and East Chipping Norton
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### 3.3 Key points to note are that:

- Through modification EMI, the examiner recommended a specific CIL rate for large-scale 'non-strategic' green field sites in recognition of the fact that infrastructure costs are likely to increase with the size of the potential development site. As such a new category for larger sites of 250 homes or more on green field sites has been included (£150 per m<sup>2</sup>);
- The rate for residential schemes on previously developed (brownfield) sites is lower (£125 per m<sup>2</sup>) than greenfield sites because of the additional costs associated with bringing such sites forward;
- 100% flatted developments have additional costs which warrant the application of a nominal CIL charge (£25 per m<sup>2</sup>);
- Strategic local plan 2031 sites (Salt Cross, West Eynsham, North Witney, East Witney and East Chipping Norton) are CIL exempt because of the significant infrastructure costs associated with bringing such developments forward, which will be secured through other mechanisms including Section 106 agreements.

#### Proposed non-residential CIL rates

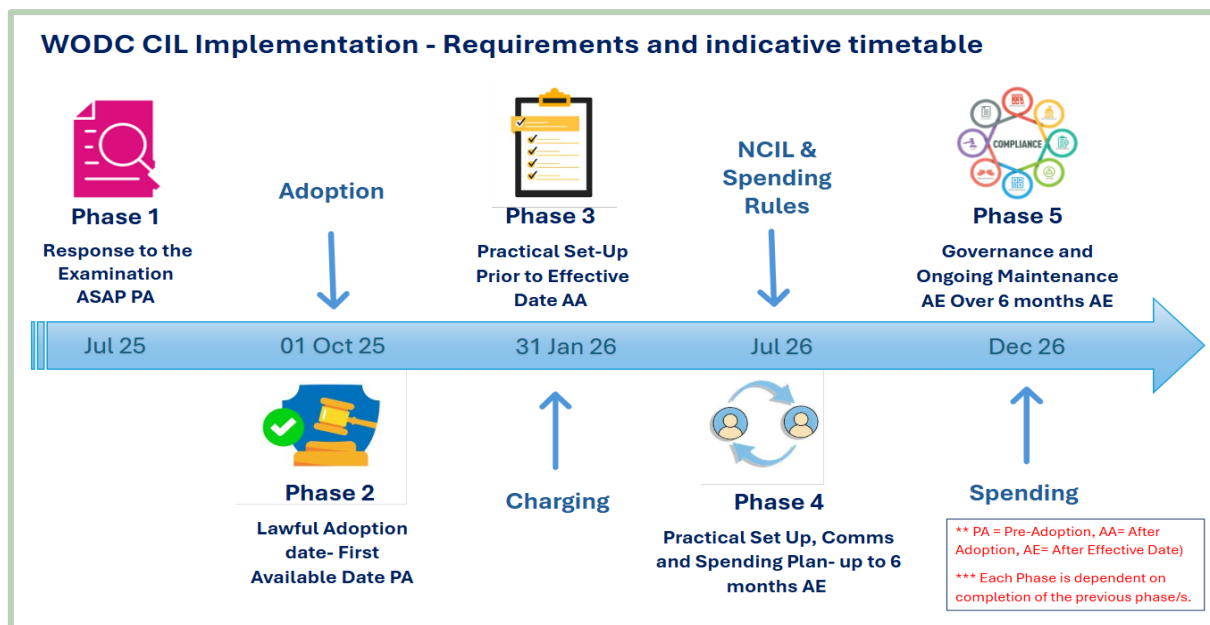
### 3.4 The charging schedule identifies the following CIL rates (£ per m<sup>2</sup>) for non-residential and commercial uses:

CIL Zone	£ per m <sup>2</sup>	Notes
Large Format Retail e.g. Supermarkets, Foodstores, Retail Warehousing	£125	
All other non-residential development	£0	Nil rated

## 4. NEXT STEPS

### Approval of CIL Charging Schedule

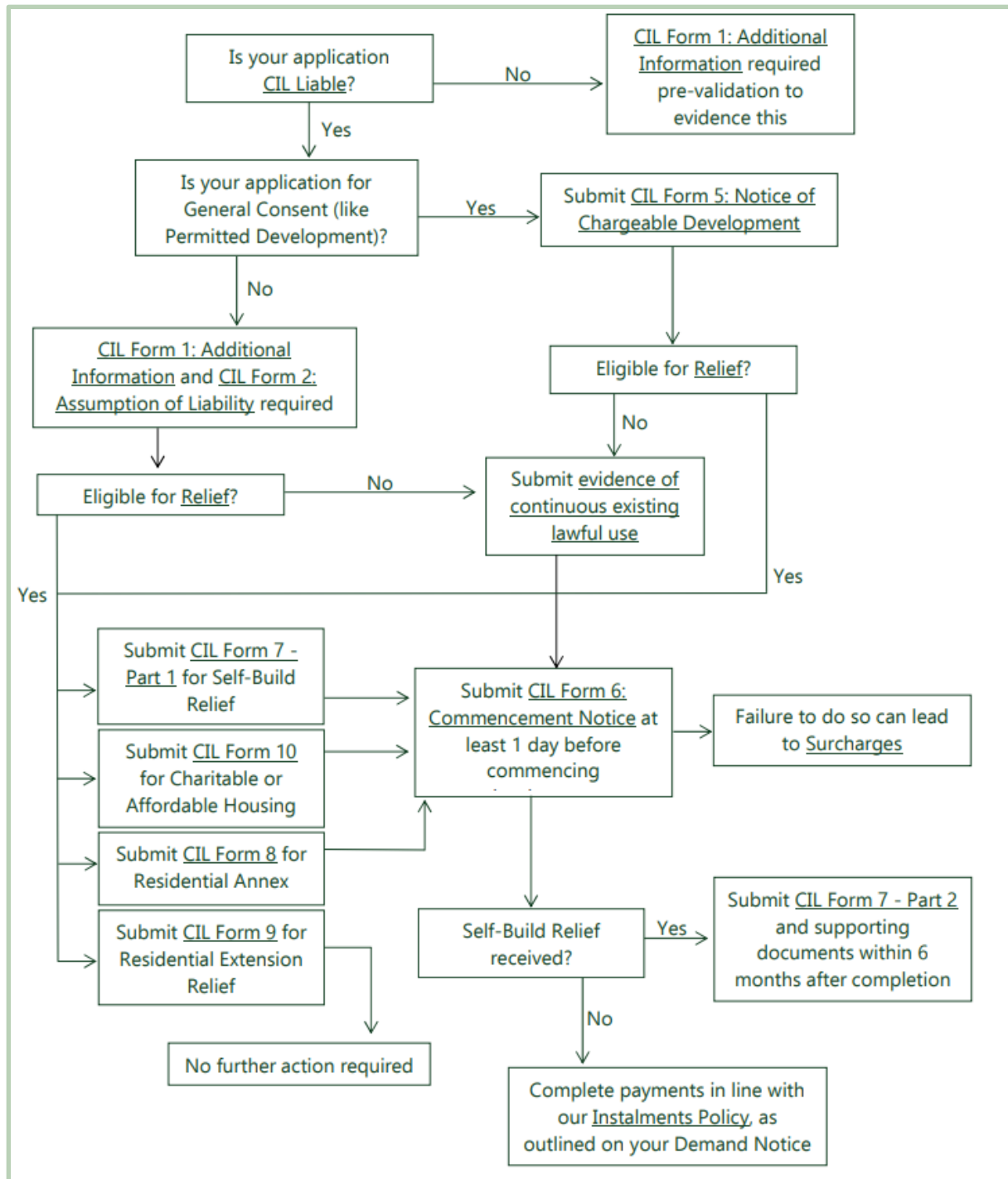
- 4.1 Subject to the recommendations of the Executive, Full Council will be invited to formally approve the CIL charging schedule on 1<sup>st</sup> October 2025.
- 4.2 Notably, the charging schedule is required to stipulate an 'effective' date i.e. the date upon which CIL will begin to be charged. In this instance, Officers are proposing to set an 'effective' date of 31 January 2026. This is reflected in the indicative timeline below.



- 4.3 The Implementation Plan clearly illustrates each stage in the process and the extensive work that needs to be undertaken in order for the Council to be in a practical position to be able to charge and administer CIL.
- 4.4 Based on the proposed effective date of 31 January 2026, any applications receiving planning permission on or after 31 January 2026 will need to comply with the CIL requirements and will be chargeable.
- 4.5 This means that planning applications submitted around the time of adoption in October/ November 2025 may fall into CIL charging, depending on how long it takes for planning permission to be approved. In some cases, those submitted earlier may be chargeable if there are complex matters which means that planning permission takes longer to resolve.
- 4.6 The Implementation Plan includes provision of a raft of external communications and guidance, which will form a communications strategy. Regular communications and training will be rolled out towards internal stakeholders (such as development management, customer support and members), as well as external stakeholders (such as town and parish councils). Town and Parish training will focus on the collection and spending of Neighbourhood CIL.

### **Payment of CIL**

- 4.7** The collection of CIL includes several discrete stages, which involves developers submitting several forms and evidence to the Council at each stage. The Council will be required to monitor and ensure that we receive the relevant information at each stage. If not, the developer becomes liable to multiple late payment surcharges and interest, which are mandatorily imposed. There are also several exemptions or reliefs to CIL liability that developers may apply for. There are additional discretionary reliefs which the Council may consider allowing; these would need to set out in the Instalments and Reliefs Policy. The developer flowchart below illustrates these stages:



- 4.8** Put simply, when planning permission is granted, the District Council will issue a liability notice setting out the amount payable through CIL, and a demand notice, including the payment procedure.
- 4.9** Typically, CIL payments must be made within 60 days of the commencement of any chargeable development. However, recognising the importance of assisting the timely delivery and viability of new development, the District Council proposes to accept the

payment of CIL by instalments in respect of larger CIL payments and will publish a separate Instalments and Reliefs Policy in accordance with the CIL Regulations (as amended).

**4.10** The Council will also need to produce an Enforcement Policy for those relatively rare occurrences where developers do not comply with demand notices. Liable parties can also appeal CIL demand notices based on a number of predetermined grounds.

**4.11** Where development is permitted on a phased development, each phase will be considered as a separate chargeable development and will therefore be liable for payment in line with the Council's proposed Instalment and Reliefs Policy.

### **Spending CIL**

**4.12** CIL is mandatorily divided into a series of separate 'pots' upon receipt, in line with the CIL Regulations (as amended). The first 'pot' is that 5% of the total receipts are set aside for the administration of CIL, given that it is a very involved and intensive process.

**4.13** The second 'pot' known as Neighbourhood CIL or NCIL, is transferred to 'neighbourhoods' (Town and Parish Councils) in April and October of each year. The phasing of the Implementation Plan takes these statutory deadlines into account. NCIL is to be spent directly by the neighbourhoods, however those neighbourhoods can pool their resources with other neighbourhoods. NCIL must be used/ spent to support the development of the local council's area, or any part of that area, by funding the provision, improvement, replacement, operation or maintenance of infrastructure, or anything else that is concerned with addressing the demands that development places on an area<sup>1</sup>. Neighbourhoods must report their spending to the Council once a year. NCIL can be used to fund affordable housing.

**4.14** The amount of NCIL to be transferred depends on whether the neighbourhood has an adopted ('made') Neighbourhood Plan:

- If yes, 25% of the total receipts deriving from that neighbourhood area will be transferred.
- If no, 15% of the total receipts deriving from that neighbourhood area capped at £100 per council taxable dwelling within that neighbourhood will be transferred.
- If a development straddles two parish boundaries, NCIL is paid to each in proportion with the development it has in its area.

**4.15** The remainder goes into a third 'pot'- 'Strategic CIL'. Strategic CIL can be used by the District Council to fund a wide range of infrastructure including transport, flood defences, schools, green space and community and cultural facilities. It can be used to increase the

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<sup>1</sup> CIL Regulation 59C

capacity of infrastructure or to repair failing existing infrastructure, if that is necessary to support development. It cannot be used to fund affordable housing. There are various ways to identify strategic CIL spending projects and to make these funds available; these options will be set out in a draft Spending and Bidding Policy, in line with the CIL Implementation Plan.

- 4.16** Ultimately, strategic CIL will need to be directed towards unlocking strategic development in line with the Local Plan, but the Council might also consider directing a proportion of strategic CIL towards sustainable and healthy communities and/ or climate and ecological emergencies.

#### **Reporting CIL**

- 4.17** Since December 2020, the District Council has been required to prepare an 'Infrastructure Funding Statement' (IFS) setting out information on the payments received through CIL and section 106 planning obligations during the previous financial year.
- 4.18** The Council will need to work closely with Neighbourhoods throughout the year to ensure that they are able to produce the reports on NCIL prior to the Council's publication of the IFS.
- 4.19** The IFS must also include an 'infrastructure list' which identifies what infrastructure is identified as necessary by the Council and how it is likely to be funded (including s106 and CIL). The IFS infrastructure list must address the Infrastructure Delivery Plan (IDP) as well as any other infrastructure needs which have been identified in the interim. To this end, the Council will implement and maintain an Infrastructure Tracker.

#### **Reviewing CIL**

- 4.20** Once adopted, the District Council will keep its charging schedule under review to ensure that levy charges remain appropriate over time. The Council may seek to review its charging schedule in whole or in part taking account of relevant considerations including changes in market conditions and infrastructure needs.
- 4.21** In particular, the charging schedule will be reviewed to take account of the policies of the new West Oxfordshire Local Plan 2041 as those reach a more advanced stage.

### **5. ALTERNATIVE OPTIONS**

- 5.1** Given the time and resource invested into the progression of CIL and the subsequent approval of the Charging Schedule by an independent examiner, moving to formal approval by the District Council is considered to be the logical option.

- 5.2** Members could choose not to progress CIL, but this would represent a missed opportunity to seek additional funding from new development towards the supporting infrastructure that is needed to support growth within the District.

## **6. FINANCIAL IMPLICATIONS**

- 6.1** The progression of CIL to formal approval will allow the District Council to charge qualifying developments from the 'effective date' onwards and the CIL revenues received will then be able to be spent on infrastructure provision as appropriate.
- 6.2** A proportion of future CIL receipts (5%) can be used to cover the costs of adoption/implementation. This is likely to eventually cover costs, so that CIL becomes self-funding as well as revenue generating.

## **7. LEGAL IMPLICATIONS**

- 7.1** The adoption of CIL needs to follow the correct procedure, as demonstrated in this report.
- 7.2** Spending of CIL will also need to follow the lawful allocations, to avoid future challenges involving projects to which the CIL was allocated.
- 7.3** Non-payment of CIL can bring about severe consequences and therefore an enforcement policy will be required as soon as CIL is in place so that developers are aware of the steps the Council will take in these rare cases.

## **8. RISK ASSESSMENT**

- 8.1** The report presents no significant risks.

## **9. EQUALITIES IMPACT**

- 9.1** Affordable housing schemes will be exempt from CIL and therefore the report is not considered to raise any particular implications for any of the characteristics protected under the Equality Act 2010. Strategic CIL may be directed towards healthy and sustainable communities, which may include accessibility of infrastructure to promote equality.

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

- 10.1** The report raises no direct implications although a proportion of future CIL receipts may be spent on infrastructure projects that have a climate change and ecological focus.

## **11. BACKGROUND PAPERS**

None.

(END)





AN EXAMINATION UNDER SECTION 212  
OF THE PLANNING ACT 2008 (AS AMENDED)

**REPORT ON THE DRAFT WEST OXFORDSHIRE DISTRICT COUNCIL  
COMMUNITY INFRASTRUCTURE LEVY CHARGING SCHEDULE**

Independent Examiner (appointed by the Council): Keith Holland BA (Hons)  
DipTP MRTPI ARICS

Charging Schedule Submitted for Examination: 4 March 2025

Date of Report: 18 July 2025

## **Main Findings - Executive Summary**

In this report I have concluded that the draft West Oxfordshire District Council Community Infrastructure Levy Charging Schedule provides an appropriate basis for the collection of the levy in the area.

The Council has provided sufficient evidence that shows the proposed rates would not threaten delivery of the Local Plan.

One modification (**EM1**) is necessary to meet the drafting requirements. This can be summarised as follows:

Revise the Residential District-wide (Greenfield) category to include a rate for development for 250 or more units (excluding defined strategic sites) of £150 per square metre.

The specified modification recommended in this report does not alter the basis of the Council's overall approach or the appropriate balance achieved.

Whilst not necessary to meet the drafting requirements, a further modification (**EM2**) is recommended for completeness.

## **Introduction**

1. I have been appointed by West Oxfordshire District Council, the charging authority, to examine the draft West Oxfordshire District Council Community Infrastructure Levy (CIL) Charging Schedule. I am a chartered town planner with more than 25 years' experience inspecting and examining Development Plans and CIL Charging Schedules as a Government Planning Inspector.
2. This report contains my assessment of the Charging Schedule in terms of compliance with the requirements in Part 11 of the Planning Act 2008 as amended ('the Act') and the Community Infrastructure Regulations 2010 as amended ('the Regulations')<sup>1</sup>. Section 212(4) of the Act terms these collectively as the "drafting requirements". I have also had regard to the National Planning Policy Framework (NPPF) and the CIL section of the Planning Practice Guidance (PPG)<sup>2</sup>.
3. To comply with the relevant legislation, the submitted Charging Schedule must strike what appears to the charging authority to be an appropriate

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<sup>1</sup> The Regulations have been updated through numerous statutory instruments since 2010, most notably through the Community Infrastructure Levy (Amendment) (England)(No. 2) Regulations 2019.

<sup>2</sup> The CIL section of the PPG was substantially updated on 1 September 2019, and most recently updated 26 April 2024. At the time of completion of the examination, no further updates have been made to the CIL section of the PPG following publication of the December 2024 NPPF. For example, in relation to Development contributions, the paragraph referenced in the current PPG as 34 is now paragraph **35** (albeit the text remains unchanged).

balance between helping to fund necessary new infrastructure and the potential effects on the economic viability of development across the district.<sup>3</sup> The PPG states<sup>4</sup> that the examiner should establish that:

- the charging authority has complied with the legislative requirements set out in the Act and the Regulations;
  - the draft charging schedule is supported by background documents containing appropriate available evidence;
  - the charging authority has undertaken an appropriate level of consultation;
  - the proposed rate or rates are informed by, and consistent with, the evidence on viability across the charging authority's area; and
  - evidence has been provided that shows the proposed rate or rates would not undermine the deliverability of the plan (see NPPF paragraph 34<sup>5</sup>).
4. The basis for the examination, on which a hearing session was held 10 June 2025 is the submitted schedule of June 2024 which is effectively the same as the draft Schedule published for public consultation in August/September 2024.
5. In this report all references to the CIL rate are in £/sq.m. In summary, the Council propose a rate of £225 for residential development (excluding flatted development) on greenfield sites throughout the district. On previously developed land (PDL) throughout the district the rate would be £125. For flatted development throughout the district the rate proposed is £25. For identified strategic sites the intention is to apply a nil rate. For large format retail the proposal is for a rate of £125. All other non-residential development would have a nil rate.

**Has the charging authority complied with the legislative requirements set out in the Act and the Regulations, including undertaking an appropriate level of consultation?**

6. The draft Charging Schedule was formally published for consultation for an 8 week period between 2 August and 27 September 2024. Consultation documents were made available on the Council's website, at the Council's town centre shop and at local libraries. All parties held on the Council's planning policy database, as well as all those who had responded to previous CIL consultations, were notified in writing. 96 responses were received.

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<sup>3</sup> Regulation 14.

<sup>4</sup> See PPG Reference ID: 25-040-20190901.

<sup>5</sup> Paragraph **35** of the current NPPF (December 2024).

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7. The Charging Schedule complies with the Act and the Regulations, including in respect of the statutory processes and public consultation, consistency with the adopted Local Plan and the Infrastructure Delivery Plan, and is supported by an adequate financial appraisal. I also consider it compliant with the national policy and guidance contained in the NPPF and PPG respectively.

**Is the draft charging schedule supported by background documents containing appropriate available evidence?**

*Infrastructure planning evidence*

8. The Council produced a detailed Infrastructure Delivery Plan (IDP) in 2016. This IDP identified three broad categories of infrastructure – physical, social and green detailing the infrastructure need for the period 2011 – 2031. In 2020 an Infrastructure Funding Gap Analysis was produced showing an expected gap of a little under £200 million. The potential CIL revenue was estimated to be around £24.5 million. A new updated IDP is being prepared as part of the evidence base for the emerging Local Plan 2041. In November 2024, the Council produced an Infrastructure Funding Statement 2023/2024 that detailed funds that had been collected through s106 agreements in 2023/2024. The March 2025 Infrastructure Funding Gap Analysis Note acknowledges the central Government funding secured by the County Council for public transport improvements along the A40 corridor. The current funding gap is estimated by the Council to be at least £143.9 million, with estimated CIL revenue being £20.5 million. These figures justify the imposition of a CIL which would make a modest contribution to filling the infrastructure funding gap.
9. The adopted Local Plan runs to 2031. It provides for 13,200 homes for the district (2011 – 2031) and 2,750 homes to assist Oxford to meet its needs. Five strategic sites are identified - Salt Cross, West Eynsham, North Witney, East Witney and East Chipping Norton. The need for additional employment land is identified in several locations. The Council is progressing a revised Local Plan for the period to 2041 with an expectation that the housing need will be 14,480 new homes between 2025 and 2041. The housing policies in the adopted and emerging Local Plan are the most relevant for the purposes of this CIL examination.

*Economic viability evidence*

10. The Council commissioned the Dixon Searle Partnership (DSP) to undertake a CIL Viability Assessment (VA). The VA, dated May 2024, uses the residual valuation approach commonly used in CIL viability work. The assumptions used in the VA were discussed with stakeholders in the development industry, local agents and affordable housing providers.
11. The usual typology approach is used with testing taking place over a range of value levels established during the autumn and winter 2023/24. Sensitivity testing was also undertaken to assess the impact of changing market

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conditions. For residential development 16 typologies were tested. These typologies included schemes varying in size from 1 dwelling to 250 dwellings in a variety of formats including standard housing, flatted schemes, mixed use schemes, sheltered housing flats and build-to-rent developments. The site types tested included greenfield land and PDL. Account is taken in the testing of the Council's current affordable housing policy and the assumptions made about dwelling sizes are provided. For flats, the additional cost of providing communal/shared space is taken into account.

12. Additional testing has been undertaken on the five strategic sites/allocations in the district. These sites are currently in agricultural use and the assessment is based on the estimated capacity of each site.
13. The commercial and non-residential typologies tested include large and small retail, offices in and out of town, research/development uses, small and large industrial/warehousing, a budget hotel and a nursing/care home.
14. Geographical variations in residential values are addressed by adopting the value zones set out in Policy H3 of the Local Plan. Three value zones, high medium and low, were identified in the Local Plan as part of the formulating of an affordable housing policy. The VA uses seven value levels (VLs) and each typology is tested against these levels. New house prices are the basis for the VLs which range per square metre from £4,000 to £5,500. Noting that sheltered housing, retirement living and extra-care developments generally achieve higher values, an extended range of values (£5,250 - £7,000) for these typologies are tested.
15. The market housing sales values were researched during the autumn and winter 2023/2024. A variety of sources were used including previous viability studies, the Land Registry, the Valuation Office Agency, sale and marketing reporting and other web sites. Floor areas of residential properties have been derived from the Domestic Energy Performance Certificate Register. Details of the research are provided in Appendix 6 of the VA.
16. For affordable housing revenue the VA assumes a mix of 66% affordable rented tenure, 25% First Homes, and 9% shared ownership. The conventional approach of capitalising the net rental stream is used, with the capital value of retained equity applied as appropriate in shared ownership schemes.
17. The Gross Development Value (GDV) of commercial development is based on rental values and yields. Data for rents and yields is derived from several sources including the CoStar property intelligence database, the Valuation Office Agency and property industry publications/websites. For each typology, a range of rental values is tested and these are then capitalised by applying yields of between 4.5% and 8%.
18. Data regarding the assumed base build cost is based on Building Cost Information Service (BCIS) figures rebased using the West Oxfordshire

location factor. For standard residential development, the base costs per sq.m identified a range from £1,394 for mixed housing and flats development to £1,699 for flats only. For commercial uses the highest base cost identified (£2,936) is for research and development uses.

19. An allowance varying between 10 and 15% for external works and normal servicing and access costs is applied. The equivalent of £500,000 per hectare (ha) has additionally been incorporated for site preparation costs. Contingencies are dealt with by an allowance of 5% of build costs. Fees, profit levels and finance costs are detailed separately for residential and non-residential development. These costs are based on assumptions that are frequently seen in CIL viability work. Build periods are based on BCIS data using the Construction Cost calculator sense checked against site specific examples. Based on discussions with the Council, DSP apply a site specific s106 contingency of £3,000 per dwelling. A comprehensive range of policy requirements, including sustainable design/climate change/carbon reduction, biodiversity net gain, water efficiency, wheelchair accessibility and electric vehicle charging points are taken into account.
20. Benchmark land values (BLV) are based on the recommended existing use value (EUV) plus a premium approach. For greenfield land, the testing done by DSP ranges from £250,000/ha to £500,000/ha with the upper level relating to paddock land or similar. These figures apply a premium on agricultural land value of between 10 and 20 times. For garden sites through to high value existing use sites in the main town centres, the BLV tested a range from £800,000 to £2,500,000 per hectare. DSP note that the expectation is that the great majority of development in the area is expected to take place on greenfield sites.

**Are the proposed rates informed by and consistent with the evidence on viability across the charging authority's area?**

21. For residential development, the VA provides a comprehensive assessment of possible CIL rates. Typologies ranging from 1 house to a 250 dwelling mixed houses/flats scheme are considered as are schemes for specialised forms of housing. The Council's affordable housing policy is incorporated in the testing while the sensitivity of the results is dealt with by varying new build sales values. The testing also involves trial CIL charging rates and the trial CIL rates are also expressed as a percentage of GDV to provide what DSP describe as a "health check". DSP consider that realistic CIL rates should not usually exceed a range of 3 – 6% of GDV.
22. The viability buffer concept is incorporated based on a charging rate of up to 70% of the theoretical maximum rate identified in the VA.
23. Not surprisingly, the testing undertaken shows a wide range of theoretical CIL rates. For scenarios below the affordable housing threshold outside the Area of Outstanding National Beauty (AONB)<sup>6</sup> looking at schemes from 1 to 5

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<sup>6</sup> Known as the Cotswolds National Landscape.

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houses, DSP conclude that a CIL of around £300 could be set. For 6 – 10 house schemes inside the AONB, the figure favoured by DSP is £250.

24. For developments above the affordable housing threshold on greenfield sites, DSP calculates that a theoretical maximum CIL rate of £800 could be charged. Taking into account relevant considerations, such as the need for a buffer, the recommendation from DSP is that rates between £140 and £350 could be considered across all affordable housing policy zones.
25. For PDL sites above the affordable housing threshold, the VA notes a more challenging viability picture, especially for flatted development. For housing and mixed use schemes the conclusion is that CIL rates of between £50 and £200 appear to be supportable. For flatted schemes, the view is that a nominal rate of £25 would be appropriate. DSP considers that the evidence is that build-for-rent schemes reflect the same viability prospects as flatted schemes and should be charged at the £25 rate.
26. For older persons housing, including care homes, the VA notes that these schemes usually produce mixed viability outcomes. The assessment is that generally it would be appropriate to treat housing for older people in the same way that flatted development is treated and to apply a nominal CIL rate of £25. The same applies to build-to-rent schemes.
27. Turning to the analysis of the 5 strategic sites, the DSP note that the scope for a CIL charge is highly dependent on-site specific details. The conclusion is that using key mid-point value levels the viability prospects range from a deficit of £16,000 per dwelling to a surplus of about £3,500 per dwelling. The clear conclusion is that the strategic sites should have a nil charge, with the necessary infrastructure being delivered on a site-by-site basis through s106 agreements.
28. As regards commercial developments for large format supermarkets and food stores, using medium rental levels and a 4.5% yield, DSP regards a charge of £125 as supportable. Other forms of retail, including town centre and comparison retailing, do not show sufficient viability to support a CIL charge. The same applies to office and hotel development in West Oxfordshire.
29. The VA looks at the development prospects of a wide range of other uses including leisure centres, day nurseries, garages, storage premises and surgeries. The conclusion is that these types of uses do not demonstrate clear viability prospects and should be subject to a nil CIL rate.
30. In summary, the CIL rates proposed in the draft Charging Schedule follow the recommendation provided by DSP. These recommendations are in line with the viability evidence produced.



**Has evidence been provided that shows the proposed rate or rates would not undermine the deliverability of the plan (see National Planning Policy Framework paragraph 34<sup>7</sup>).**

31. On behalf of Hallam Land, Turner Morum (TM) challenge a number of the assumptions used by DSP. This challenge includes reducing the value of affordable rented units to 50% of open market value, increasing target profit levels for both market housing and First Homes to 20%, and applying a finance rate of 7.5%. In relation to build costs, TM use BCIS data for flats generally and housing generally rather than mixed developments generally. A 15% uplift is applied to flats to account for circulation and common areas and site-specific costs are calculated at £20,000 per unit. For site areas calculations, the net to gross allowance favoured by TM is 100%.
32. As regards profit margins for market housing, there is no convincing evidence that suggests that the risk of developing in West Oxfordshire is unusual. For this reason, I do not support a profit margin assumption that is higher than the 17.5% frequently seen in CIL viability calculations. The finance cost assumption of 6.5% is also one that is frequently used and I can see no good reason why it should be higher. With the exception of the two matters discussed below, the other differences in the assumptions made by DSP and TM are relatively small and are unlikely to make a significant difference to the viability conclusions reached by DSP. The two assumptions that I consider merit further consideration relate mainly to relatively large green field sites.
33. In relation to infrastructure costs for the two large typology sites, the VA assumes a figure of £16,250 per unit plus a site specific s106 contingency of £3,000. TM refer to the figures for the strategic sites and the s106 funding being sought by the Council in on-going negotiations relating to a 370-unit site being promoted by Hallam Land, where currently the Council is seeking £24,000 per unit. The Council point out that this figure is not yet finalised or agreed. TM say they are acting on sites in West Oxfordshire where s106 contributions exceed £23,000 per plot. TM conclude that an allowance of £20,000 per unit for site specific costs for infrastructure and abnormals would be an optimistic assumption. The evidence provided by TM suggests that an assumption of £20,000 for infrastructure costs on large green field sites is not unrealistically high.
34. In relation to the benchmark land values, the approach used by DSP is affected by the gross/net figures assumed. DSP assume a 30% uplift for the two large green field residential typologies tested. TM consider that a 100% uplift would be more realistic and refer to a site at Middle Barton that their clients wish to develop where the net area is 6.5 acres on site with a gross area of 21 acres – an uplift of some 220%. TM also note that for the East Witney strategic site the uplift is nearly 200%. Applying a 100% uplift to the 100 and 250 unit typologies, TM conclude that the benchmark land value for the 100 unit site would be £2,500,000 and £6,250,000 for the 250 unit site.

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<sup>7</sup> Paragraph 35 of the current NPPF (December 2024).

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Comparable figures by DSP are £1,625,000 and £4,065,000. Using the TM preferred assumptions and benchmark figures there is no CIL headroom.

35. The gross/net consideration is not straightforward. The variety of factors, including biodiversity net gain, that potentially affect the net/gross figure can vary considerably from site to site. For example, in some cases biodiversity net gain may not involve the development site itself. I consider that with considerations such as biodiversity net gain in play, it is likely that an uplift assumption of 30% could in many cases be too low. On the other hand, the 100% uplift favoured by TM may in general be unduly high. Given the variation possible with different sites there is no obvious way of reaching a definitive figure. In my judgement, a reasonable general assumption for the uplift would be between 40 and 50%.
36. The two issues identified, infrastructure costs and net/gross uplift, are likely to increase in relevance with the size of the potential development site. Bearing in mind the need to avoid undermining the delivery of housing, I consider that there is a need for a specific CIL rate for large non-strategic green field sites. How large a site should be to qualify is a matter of judgement as is the rate to be applied. In my view, it would be prudent to apply a rate of £150 to all non-strategic green field housing sites for 250 or more dwellings. I therefore recommend that the District Council should modify the draft Charging Schedule as set out in **EM1** in the Appendix to this report.
37. For strategic sites identified in the Local Plan, the VA shows convincingly that the best approach is to apply a nil rate and to use s106 to provide the necessary infrastructure.
38. There is no convincing evidence that the rates being proposed for other uses, including flatted development and residential development on previously developed land, would threaten the delivery of development.
39. There are a number of representations that deal with how the CIL will be administered and the use of the funds raised. These are matters for the Council and are not relevant to this examination. The views expressed in the representations about the CIL rates being proposed range from the rate being too low to a view that CIL is an unjustified tax. Some point to the rates applied by nearby authorities and argue that development in West Oxfordshire will be discouraged. I consider the charge setting process to CIL in West Oxfordshire strikes an appropriate balance and I can see no evidence that the proposed rates are too high in relation to other authorities. In any event, the proposals are based on the evidence of viability in West Oxfordshire (i.e. 'its area', as per Regulation 14) and what other authorities charge has little relevance.

40. The Council has put forward a series of non-material minor amendments to the draft Charging Schedule.<sup>8</sup> These deal with matters of clarification and typographical errors. The amendments do not affect my conclusions and I recommend their inclusion in **EM2** in the Appendix to this report.
41. The Council's decision to use a matrix approach is based on reasonable assumptions about development values and likely costs. In setting the CIL charging rate, the Council has had regard to detailed evidence on infrastructure planning and the economic viability evidence of the development market in West Oxfordshire. The Council has tried to be realistic in terms of achieving a reasonable level of income to address an acknowledged gap in infrastructure funding, while ensuring that the delivery of development in the area will not be undermined.

### Overall Conclusion

42. I conclude that the draft West Oxfordshire District Council Community Infrastructure Levy Charging Schedule, subject to the making of the modification set out in **EM1**, satisfies the drafting requirements and I therefore recommend that the draft Charging Schedule be approved.
43. Whilst not necessary to satisfy the drafting requirements, I further recommend in **EM2** that the non-material minor amendments submitted (as itemised in a separate schedule<sup>9</sup>) should be incorporated when the draft Charging Schedule is updated.

*Keith Holland*

Examiner

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<sup>8</sup> West Oxfordshire Community Infrastructure Levy Schedule of Non-Material Minor Amendments. View at: <https://www.westoxon.gov.uk/media/xbqb4hau/cil-dcs-schedule-of-non-material-minor-amendments.pdf>

<sup>9</sup> See footnote 8 above.

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## Appendix

Examiner Modifications (EM) recommended in order that the Charging Schedule may be approved.

<b>Examiner Modification (EM)</b>	<b>Page no./ other reference</b>	<b>Modification</b>
EM1	Page 6 Residential uses charging table	Revise CIL Zone wording to read:  Residential District-wide (Greenfield) up to 249 units.  Add  Residential District-wide (Greenfield) 250 units and above.  Add £150 in the £ per square m column opposite the reference to 250 units and above.
EM2	Page 8, paragraph 6.4 & the addition of a fourth Appendix (comprising a Glossary of Terms).	Incorporate amendments set out in the submitted document "West Oxfordshire Community Infrastructure Levy Schedule of Non-Material Minor Amendments".  View at: <a href="https://www.westoxon.gov.uk/media/xbqb4hau/cil-dcs-schedule-of-non-material-minor-amendments.pdf">https://www.westoxon.gov.uk/media/xbqb4hau/cil-dcs-schedule-of-non-material-minor-amendments.pdf</a>

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**West Oxfordshire District Council**  
**Community Infrastructure Levy (CIL)**  
**Charging Schedule**

**July 2025**

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## **1. Introduction**

- 1.1 The Community Infrastructure Levy (CIL) is a charge which can be levied by local authorities on new development in their area to help fund supporting infrastructure. The levy only applies in areas where a local authority has consulted on, and approved, a charging schedule which sets out its levy rates and has published the schedule on its website.
- 1.2 This Charging Schedule (CS) sets out the CIL rates for West Oxfordshire associated with development coming forward under the adopted West Oxfordshire Local Plan 2031. It also sets out a brief overview of the CIL process.
- 1.3 The draft CIL charging schedule was formally submitted for independent examination on 4 March 2025. The examination involved a virtual hearing session held on 10th June 2025 after which the appointed CIL examiner issued his report on 18th July 2025.
- 1.4 The examiner approved the Council's charging schedule, subject to one modification (EM1): a reduction in the proposed rate for larger residential developments of 250 or more homes, from £225 per square metre to £150 per square metre (excluding strategic development areas).
- 1.5 A further modification (EM2) was recommended for completeness and includes a number of minor typographical and drafting amendments which the District Council put forward when submitting the draft CIL charging schedule for examination.

## **2. About CIL – what is it and why is it needed?**

### *What is CIL?*

- 2.1 The Community Infrastructure Levy or 'CIL' is essentially a tariff or standard charge that can be placed on most forms of new development to help fund local infrastructure such as transport, flood defences, schools, green space and community and cultural facilities.
- 2.2 CIL is charged on a pounds (£) per square metre basis and can be used to increase the capacity of existing infrastructure or to repair failing existing infrastructure, where necessary to support development.
- 2.3 CIL is intended to operate alongside other, more traditional developer contributions including Section 106 planning obligations and Section 278 highway agreements. Unlike those agreements which deal with site-specific infrastructure needed to make particular developments acceptable in planning terms, CIL payments go into a general funding pot and can be spent on infrastructure across the District.
- 2.4 Importantly, the CIL regulations now allow for the same item of infrastructure to be funded through CIL and other forms of developer contribution including Section 106 planning

obligations<sup>1</sup>. There are also no longer any restrictions on the number of planning obligations that may be ‘pooled’ together to fund the same item of infrastructure.

*Why is CIL needed?*

- 2.5 Evidence prepared in support of the West Oxfordshire Local Plan<sup>2</sup> identified the infrastructure that is needed to support future growth in the District up to 2031. Whilst some of this is already funded, or at least able to be funded through other mechanisms such as Section 106 planning obligations and central Government funding, there remains a large infrastructure ‘funding gap’ which CIL will contribute towards.

*What kind of development is required to pay CIL?*

- 2.6 Subject to viability considerations, CIL may be payable on any non-residential development which creates new or additional internal area, where the gross internal area (GIA) of new build is 100 square metres or more. For residential development, CIL can be charged on all new dwellings (houses, flats etc.) irrespective of size.

- 2.7 The following are not required to pay CIL:

- Development of less than 100 square metres, unless this consists of one or more dwellings/annexes and does not meet the relevant self-build criteria;
- Buildings into which people do not normally go;
- Buildings into which people go only intermittently for the purpose of inspecting or maintaining fixed plant or machinery;
- Structures which are not buildings, such as pylons and wind turbines; and
- Specified types of development which local authorities have decided should be subject to a ‘zero’ rate and specified as such in their charging schedules.

- 2.8 The following can also be subject to an exemption or relief where the relevant criteria are met, and the correct process is followed:

- Residential annexes and extensions;
- Self-build houses and flats;
- Social housing that meets certain specific relief criteria;
- First Homes
- Charitable development that meets certain specific relief criteria.

- 2.9 Where the levy liability is calculated to be less than £50, the chargeable amount is deemed to be zero, so no levy is due. Mezzanine floors, inserted into an existing building, are not liable for the levy unless they form part of a wider planning permission that seeks to provide other works as well.

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<sup>1</sup> Subject to any planning obligation meeting the relevant tests set out in Regulation 122 of the CIL regulations (as amended) - <http://www.legislation.gov.uk/ukxi/2010/948/regulation/122/made>

<sup>2</sup> Adopted in September 2018



### *Charging CIL*

- 2.10 Once the CIL charging schedule has been adopted, the District Council will assume the role of 'charging authority' for the purposes of CIL in West Oxfordshire. This means that the Council will calculate the chargeable amount (subject to any indexation as appropriate) and issue the relevant liability notice to the parties that are liable to pay the charge. Further information on how the chargeable amount will be calculated is set out at Appendix 1.

### *Collecting CIL*

- 2.11 The District Council will also be the collection authority for CIL in West Oxfordshire. The CIL collection process involves a number of stages as summarised at Appendix 2.

### *How is CIL calculated?*

- 2.12 In most cases, the amount of levy that is payable is calculated by multiplying the additional gross internal area (GIA) by the proposed CIL rate for that particular development type. Two very simple examples are provided below.

#### Example – One Dwelling

*Size of dwelling (GIA) – 130 m<sup>2</sup>*

*CIL rate - £100 per m<sup>2</sup>*

*Amount payable through CIL - **£13,000** (i.e. 130 m<sup>2</sup> x £100)*

#### Example – Ten Dwellings

*Total size of dwellings (GIA) – 1,300 m<sup>2</sup>*

*CIL rate - £100 per m<sup>2</sup>*

*Amount payable through CIL – **£130,000***

- 2.13 Gross Internal Area (GIA) will be calculated using the definition contained in the Royal Institution of Chartered Surveyors (RICS) Code of Measuring Practice (currently in its 6th edition). The Council must also apply an index of inflation to keep the levy rate responsive to market conditions.

### **3. CIL rates in West Oxfordshire**

- 3.1 It is important that CIL rates are set at a level that does not hinder new development coming forward, striking an 'appropriate balance' between additional investment to support development and the potential effect on the viability of developments. This balance is at the centre of the charge-setting process.

- 3.2 Viability evidence was prepared<sup>3</sup> during 2023 and completed in 2024 on this basis and this informed the preparation of this charging schedule.

### ***Residential Uses***

- 3.3 The approved CIL charges for residential development in West Oxfordshire are set out below. These rates will be indexed for inflation annually.

CIL Zone	£ per m2	Notes
Residential District-wide of less than 250 homes (Greenfield)	£225	Includes mixed housing development (i.e. a mix of housing and flats).  On-site affordable housing on 11+ units.  Nil Affordable Housing on sites between 1-10 units.  Affordable Housing financial contributions apply on sites between 6-10 units in the Cotswolds National Landscape (formerly AONB).
Residential District-wide of 250 homes or more (Greenfield)	£150	Includes mixed housing development (i.e. a mix of housing and flats).  On-site affordable housing applies in all cases.  Excludes defined Strategic Sites.
Residential District-wide (Previously developed land)	£125	Includes mixed housing development (i.e. a mix of housing and flats).  On-site affordable housing on 11+ units.  Nil Affordable Housing on sites between 1-10 units.  Affordable Housing financial contributions apply on sites between 6-10 units in the

<sup>3</sup> Dixon Searle CIL Viability Assessment – May 2024

		Cotswolds National Landscape (formerly AONB).
100% Flatted only development District-wide	£25	
Defined Strategic Sites	£0	Defined sites include: Salt Cross Garden Village, West Eynsham, North Witney, East Witney; and East Chipping Norton

3.4 In considering the CIL rates for residential uses, the following key points have been taken into consideration:

- The examiner recommended a specific CIL rate for large-scale 'non-strategic' green field sites in recognition of the fact that infrastructure costs are likely to increase with the size of the potential development site. As such a new category for larger sites of 250 homes or more on green field sites was created (£150 per m2);
- The rate for residential schemes on previously developed sites is lower (£125 per m2) than greenfield sites because of the additional costs associated with bringing such sites forward;
- 100% flatted developments have additional costs which warrant the application of a nominal CIL charge (£25 per m2);
- Strategic local plan 2031 sites (Salt Cross, West Eynsham, North Witney, East Witney and East Chipping Norton) are CIL exempt because of the significant infrastructure costs associated with bringing such developments forward, which will be secured through other mechanisms including Section 106 agreements.

#### ***Non-Residential Uses***

3.5 The approved CIL charges for non-residential development in West Oxfordshire are set out below. This charge will also be indexed for inflation annually.

CIL Zone	£ per m2	Notes
Large Format Retail e.g. Supermarkets, Foodstores, Retail Warehousing	£125	
All other non-residential development	£0	Nil rated

- 3.6 The key point to note here is that on viability grounds, the only form of 'non-residential' development which is able to support a CIL charge is large format retail such as supermarkets, foodstores and retail warehousing.

#### **4. Charging CIL - effective date**

- 4.1 The charging schedule is required to stipulate an 'effective' date i.e. the date upon which CIL will begin to be charged. In this instance, Officers are currently proposing to set an 'effective' date of 31 January 2026.
- 4.2 If this date is approved, any applications receiving planning permission on or after 31 January 2026 will need to comply with the CIL requirements and will be chargeable.

#### **5. Reliefs and exemptions**

- 5.1 The CIL Regulations make a number of provisions for charging authorities to give relief from CIL. Some types of relief are mandatory, others are offered at the charging authority's discretion.
- 5.2 The District Council will offer mandatory relief in accordance with the CIL regulations (as amended) but does not currently intend to offer any form of discretionary relief from CIL. The decision not to offer discretionary relief from CIL at the present time will be reviewed as part of any initial review of CIL.

#### **6. Payment of CIL**

- 6.1 When planning permission is granted, the District Council will issue a liability notice setting out the amount payable through CIL, and the payment procedure. Typically, CIL payments must be made within 60 days of the commencement of any chargeable development. However, recognising the importance of assisting the timely delivery and viability of new development, the District Council proposes to accept the payment of CIL by instalments in respect of larger CIL payments and will publish a separate instalments policy in accordance with the CIL Regulations (as amended).
- 6.2 Where development is permitted on the basis of specific phases of development, each phase will be considered as a separate chargeable development and will therefore be liable for payment in line with the Council's proposed instalment policy.

#### **7. Spending and reporting on CIL**

- 7.1 CIL payments can be used to fund a wide range of infrastructure including transport, flood defences, schools, green space and community and cultural facilities. It can be used to increase the capacity of existing infrastructure or to repair failing existing infrastructure, if that is necessary to support development. It cannot be used to fund affordable housing.
- 7.2 Since December 2020, the District Council has been required to prepare an '[Infrastructure Funding Statement](#)' setting out what it intends to spend CIL revenue on as well as information on the payments received through CIL and section 106 planning obligations during the previous financial year.

- 7.3 In accordance with the CIL regulations, up to 5% of the District Council's CIL receipts may be spent on administrative expenses associated with the operation of CIL.
- 7.4 Where all or part of a chargeable development is within the area of a Parish Council, the District Council is required to pass a proportion of the CIL receipts from the development to the Parish Council. The basic amount payable is 15% which increases to 25% where an adopted Neighbourhood Plan is in place. For clarification, the 15% CIL payment passed to Parish Councils is capped at £100/dwelling plus annual indexation. This is based on the number of existing dwellings within the parish, not on the number of dwellings proposed through development.
- 7.5 The Parish Council must use the CIL receipts passed to it to support the development of the Parish Council's area by funding the provision, improvement, replacement, operation or maintenance of infrastructure; or anything else that is concerned with addressing the demands that development places on the area. Parish Councils must prepare a report for any financial year in which it receives any CIL payments.
- 8. Reviewing CIL**
- 8.1 Once adopted, the District Council will keep its charging schedule under review to ensure that levy charges remain appropriate over time. The Council may seek to review its charging schedule in whole or in part taking account of relevant considerations including changes in market conditions and infrastructure needs.
- 8.2 In particular, the charging schedule will be reviewed to take account of the policies of the new West Oxfordshire Local Plan 2041 as those reach a more advanced stage.

## Appendix 1 – Calculation of CIL chargeable amount

### Chargeable amount: standard cases

1.—(1) The chargeable amount is an amount equal to the aggregate of the amounts of CIL chargeable at each of the relevant rates.

(2) But where that amount is less than £50 the chargeable amount is deemed to be zero.

(3) The relevant rates are the rates, taken from the relevant charging schedules, at which CIL is chargeable in respect of the chargeable development.

(4) The amount of CIL chargeable at a given relevant rate ( $R$ ) must be calculated by applying the following formula—

$$\frac{R \times A \times I_p}{I_c}$$

where—

- $A$  = the deemed net area chargeable at rate  $R$ , calculated in accordance with sub-paragraph (6);
- $I_p$  = the index figure for the calendar year in which planning permission was granted; and
- $I_c$  = the index figure for the calendar year in which the charging schedule containing rate  $R$  took effect.

(5) In this paragraph the index figure for a given calendar year is—

(a) in relation to any calendar year before 2020, the figure for 1st November for the preceding calendar year in the national All-in Tender Price Index published from time to time by the Royal Institution of Chartered Surveyors;

(b) in relation to the calendar year 2020 and any subsequent calendar year, the RICS CIL Index published in November of the preceding calendar year by the Royal Institution of Chartered Surveyors;

(c) if the RICS CIL index is not so published, the figure for 1st November for the preceding calendar year in the national All-in Tender Price Index published from time to time by the Royal Institution of Chartered Surveyors;

(d) if the national All-in Tender Price Index is not so published, the figure for 1st November for the preceding calendar year in the retail prices index.

(6) The value of  $A$  must be calculated by applying the following formula—

$$G_R - K_R - \left( \frac{G_R \times E}{G} \right)$$

where—

- G = the gross internal area of the chargeable development;
  - $G_R$  = the gross internal area of the part of the chargeable development chargeable at rate R;
  - $K_R$  = the aggregate of the gross internal areas of the following—
- (i) retained parts of in-use buildings; and
  - (ii) for other relevant buildings, retained parts where the intended use following completion of the chargeable development is a use that is able to be carried on lawfully and permanently without further planning permission in that part on the day before planning permission first permits the chargeable development;

E = the aggregate of the following—

- (i) the gross internal areas of parts of in-use buildings that are to be demolished before completion of the chargeable development; and
- (ii) for the second and subsequent phases of a phased planning permission, the value  $E_x$  (as determined under sub-paragraph (7)), unless  $E_x$  is negative,

provided that no part of any building may be taken into account under both of paragraphs (i) and (ii) above.

(7) The value  $E_x$  must be calculated by applying the following formula—

$$E_P - (G_P - K_{PR})$$

where—

$E_P$  = the value of E for the previously commenced phase of the planning permission;

$G_P$  = the value of G for the previously commenced phase of the planning permission; and

$K_{PR}$  = the total of the values of  $K_R$  for the previously commenced phase of the planning permission.

(8) Where the collecting authority does not have sufficient information, or information of sufficient quality, to enable it to establish that a relevant building is an in-use building, it may deem it not to be an in-use building.

(9) Where the collecting authority does not have sufficient information, or information of sufficient quality, to enable it to establish—

- (a) whether part of a building falls within a description in the definitions of  $K_R$  and E in sub-paragraph (6); or
- (b) the gross internal area of any part of a building falling within such a description,

it may deem the gross internal area of the part in question to be zero.

(10) In this paragraph—

“building” does not include—

- (i) a building into which people do not normally go;
- (ii) a building into which people go only intermittently for the purpose of maintaining or inspecting machinery; or
- (iii) a building for which planning permission was granted for a limited period;

“in-use building” means a building which—

- (i) is a relevant building, and
- (ii) contains a part that has been in lawful use for a continuous period of at least six months within the period of three years ending on the day planning permission first permits the chargeable development;

“new build” means that part of the chargeable development which will comprise new buildings and enlargements to existing buildings, and in relation to a chargeable development granted planning permission under section 73 of TCPA 1990 (“the new permission”) includes any new buildings and enlargements to existing buildings which were built pursuant to a previous planning permission to which the new permission relates;

“relevant building” means a building which is situated on the relevant land on the day planning permission first permits the chargeable development;

“relevant charging schedules” means the charging schedules which are in effect—

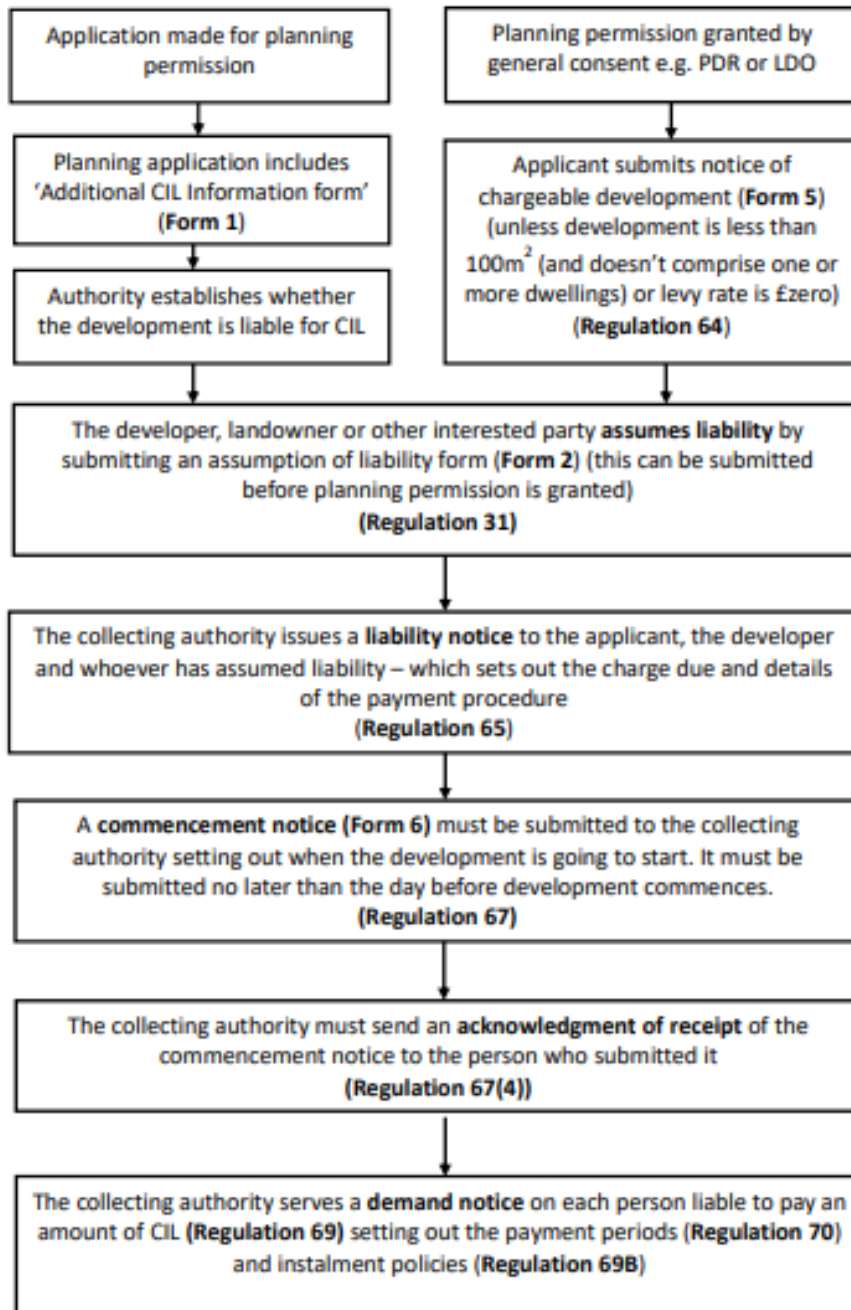
- (i) at the time planning permission first permits the chargeable development, and
- (ii) in the area in which the chargeable development will be situated;

“retained part” means part of a building which will be—

- (i) on the relevant land on completion of the chargeable development (excluding new build),
- (ii) part of the chargeable development on completion, and
- (iii) chargeable at rate R.



### Community Infrastructure Levy Collection Process



## Appendix 3 – Glossary of Terms

(In alphabetical order)

**Abatement** – The process that allows developers to claim a credit for CIL which has already been paid.

**Annual Monitoring Report (AMR)** – A document produced annually which assesses and reports on the performance of the Local Plan and other policies.

**Brownfield site (previously developed land)** – Land which has been lawfully developed and is or was occupied by a permanent structure and any fixed surface infrastructure associated with it, including the curtilage of the developed land (although it should not be assumed that the whole of the curtilage should be developed). It also includes land comprising large areas of fixed surface infrastructure such as large areas of hardstanding which have been lawfully developed. Previously developed land excludes: land that is or was last occupied by agricultural or forestry buildings; land that has been developed for minerals extraction or waste disposal by landfill, where provision for restoration has been made through development management procedures; land in built-up areas such as residential gardens, parks, recreation grounds and allotments; and land that was previously developed but where the remains of the permanent structure or fixed surface structure have blended into the landscape.

**Charging Authority (CA)** – The District Council is the Charging Authority for CIL.

**Charging Schedule (CS)** – Sets out the fees for CIL, based on the type of use and the area of the District in which development is located.

**Community Infrastructure Levy (CIL)** – The Community Infrastructure Levy is a charge placed on certain developments, to be paid by developers, to provide necessary infrastructure.

**Commencement** – Generally, this is the date in which planning permission is implemented, and includes demolition or the ground being dug.

**Greenfield site** – Land which has not previously been built on.

**Infrastructure** – This is defined within the CIL Regulations. Examples include transport, education, utilities and open spaces.

**Infrastructure Delivery Plan (IDP)** – A document which identifies the infrastructure required to support the Local Plan.

**Infrastructure Delivery Schedule (IDS)** – A list of infrastructure projects which the Council has identified as being necessary to support the Local Plan.

**Infrastructure Funding Statement (IFS)** – The statement will set out those infrastructure types or projects we plan to fund through CIL and report receipts and expenditure.

**Instalments Policy** – This enables a Charging Authority to decide the number of payments, the amount and to spread payments over longer periods.

**Land Charges** – Land charges are restrictions placed on the use of land and are binding on successive owners or occupiers of the land or property.

**Local Planning Authority (LPA)** – The District Council is the Local Planning Authority for an administrative area.

**Mandatory Relief** – The CIL Regulations make provision for certain types of development to be eligible for relief from CIL.

**Neighbourhood Plans** – A plan prepared by a parish council or neighbourhood forum for a designated neighbourhood area.

**Nil charge rate** – Sites which are exempt from paying CIL according to guidelines.

**NPPF – National Planning Policy Framework.** Sets out the Government's planning policies for England and how these should be applied.

**Section 106 Agreement (S106)** – Legal agreements between a developer and the Council to enable impacts of a development to be offset or to enhance the physical environment or contribute to local facilities.


**Strategic Site** – Sites which are allocated in the Local Plan as being capable of housing development and specifically identified as 'strategic allocations' (as opposed to non-strategic allocations).

**Statement of Community Involvement (SCI)** – A document which sets out our commitments to consulting on planning matters, including CIL.

**Viability** – The need for a charging authority to find a balance between the potential effects of CIL on the economic viability of a development with raising funds for infrastructure.

**West Oxfordshire Local Plan 2031 (WOLP)** – The adopted development plan for West Oxfordshire, which sets out the policies governing how development is planned in the District.

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 <p><b>WEST OXFORDSHIRE DISTRICT COUNCIL</b></p>	<b>WEST OXFORDSHIRE DISTRICT COUNCIL</b>
Name and date of Committee	<b>COUNCIL - 1 OCTOBER 2025</b>
Subject	<b>OPTIONS FOR OUT OF DISTRICT INVESTMENT PROPERTY</b>
Wards affected	All
Accountable member	Alaric Smith, Executive Member for Finance Email: <a href="mailto:alaric.smith@westoxon.gov.uk">alaric.smith@westoxon.gov.uk</a>
Accountable officer	Madhu Richards, Director of Finance Email: <a href="mailto:democratic.services@westoxon.gov.uk">democratic.services@westoxon.gov.uk</a>
Report author	Jasmine McWilliams, Assets Manager Email: <a href="mailto:democratic.services@westoxon.gov.uk">democratic.services@westoxon.gov.uk</a>
Summary/Purpose	To request Council to consider officer recommendation to dispose of the out of district property, in accordance with the terms and reasons outlined in the report.
Annexes	Annex A – Location Plan Annex B – Council Ownership Exempt Annex C – Financial Details
Recommendations	That Council resolves to: <ol style="list-style-type: none"> <li>1. Approve the property disposal on the terms detailed in the report</li> <li>2. Delegate authority to the Director of Finance, in consultation with the Executive Member for Finance, to approve the final terms of sale including the sale price.</li> </ol>
Corporate priorities	<ul style="list-style-type: none"> <li>• Working Together for West Oxfordshire</li> </ul>
Key Decision	NO
Exempt	Exempt Annex C only
Consultees/ Consultation	Executive Member for Finance, Executive Member for Housing and Social Care, Director of Finance, Interim Managing Director (Publica), Interim Executive Director (Publica)

## **1. EXECUTIVE SUMMARY**

- 1.1** Officers recommend the disposal of Knights Court, 21 Between Towns Road Cowley to Oxford City Council on the terms detailed in the report.

## **2. BACKGROUND**

- 2.1** In 2008, the Council acquired the freehold of Knights Court, 21 Between Towns Road, Oxford (the property) for £5.26m. The property came with Oxfordshire County Council (OCC) as a tenant.
- 2.2** The property is a three-storey building, constructed during the 1980s as part of a block of three similar style buildings in this location. The structure comprises a reinforced concrete frame with brick external facing. The internal floors are a mixture of solid concrete and suspended block and beam. They are mostly open plan with a gross internal area (GIA) of approx. 2,652 sqm. There is a small private car park to the rear of the building which could support around 10 parking spaces.
- 2.3** OCC vacated the property in November 2023, after a small extension beyond the end of the lease. The property remains vacant, at a cost to the Council of approximately £150,000 per annum covering rates and security.
- 2.4** The property team have been working with CBRE, a national agent, to market the property on a commercial basis while investigating alternative uses to make best use of the asset.

## **3.0 MAIN POINTS**

- 3.1** With no offers from a commercial tenant and the changing landscape in the surrounding area, a residential development is the best approach, but to do this the Council would need to secure a delivery partner to proceed. Therefore the most viable option is disposal.
- 3.2** Even though the Council has not been marketing the property for sale, our agent has had conversations with parties who have shown an interest in the property should it become available on the open market. This includes the private property developer who purchased one of the other similar style buildings. Any offer from such parties would usually be on a conditional basis on planning.

## **4 STAKEHOLDER DISCUSSIONS**

- 4.1** Officers have carried out discussions with stakeholder partners in the area in respect of use or purchase of the property and carried out marketing to let the property. The discussion with Oxford City Council have resulted in the offer to purchase for redevelopment for use as affordable housing

## **5 ALTERNATIVE OPTIONS**

- 5.1** The Council could decide to retain the property and progress obtaining planning permission for change of use to residential. The estimated timeline for the property to be ready to market would be autumn 2026. This would result in a longer void period with associated costs.

## **6. CONCLUSIONS**

- 6.1** The Council has received an offer from Oxford City Council for the property which means that the risk regarding planning would be with the City Council as buyer. The offer is at the level advised by the Council's agents that would be obtained if planning permission for change of use was already obtained.
- 6.2** Holding the asset would prove to be a costly liability as the building begins to deteriorate and maintenance is required. Disposal would link into the Council's Asset Management Strategy, ensuring the Council is achieving the maximum benefit from its assets.

## **7. FINANCIAL IMPLICATIONS**

- 7.1** The Council would receive a capital receipt and reduce its revenue costs by £150,000 per annum. This capital receipt would support the delivery of the wider Capital Programme i.e. the purchase of temporary Emergency Accommodation in the District, upgrading and improvement works to the Councils building assets and reduce the need to take out external borrowing.

## **8. LEGAL IMPLICATIONS**

- 8.1** The Council would no longer be the owner of the property or be entitled to any income from it.
- 8.2** The Council's legal team would complete the legal work required for a sale.

## **9. RISK ASSESSMENT**

- 9.1** The proposed disposal is deemed low risk as the property is recommended to be sold and therefore the Council is divesting itself of liability. Mitigation of risk will be around correct responses to the legal enquiries from any buyer.
- 9.2** If the Council retained the property there would be risks, such as continuation of the void costs.

## **10. EQUALITIES IMPACT**

- 10.1** No equalities impacts are envisaged as a result of this decision.

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

- 11.1** No climate and ecological emergencies implications are envisaged as part of this decision except for the removal of a carbon inefficient property from its portfolio.

## **12. BACKGROUND PAPERS**

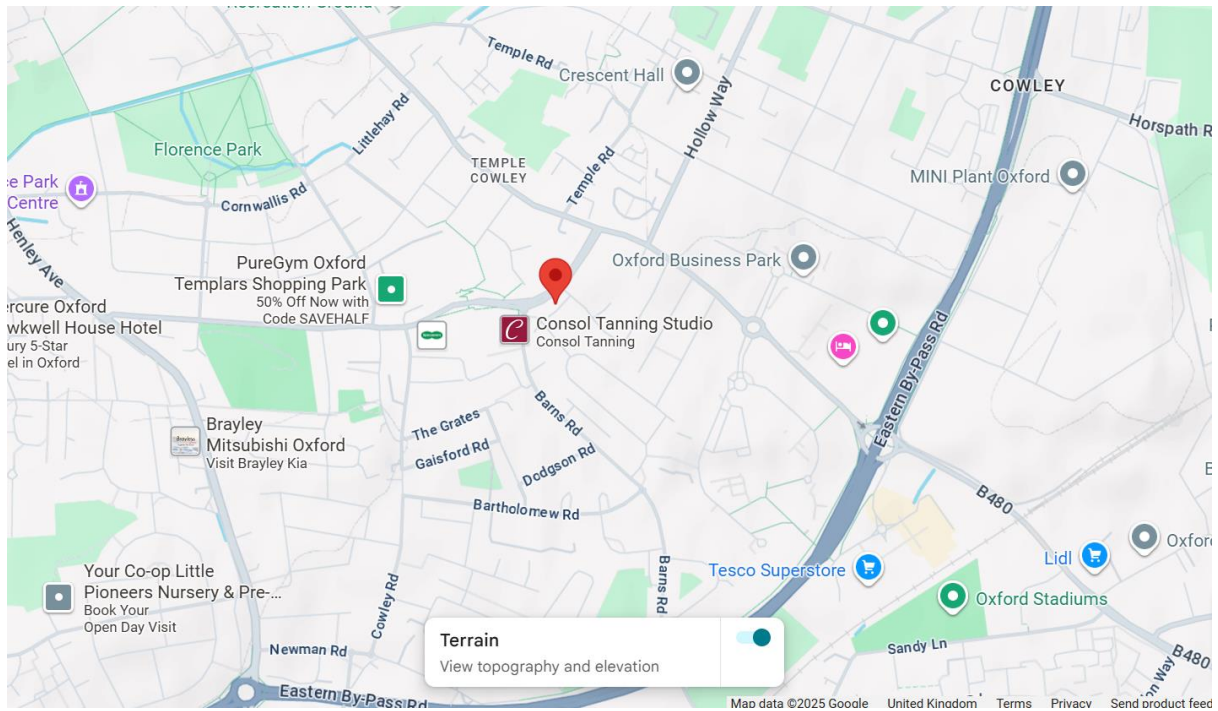
- 12.1** None

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## Annex A – Location Plan




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## Annex B – Council's Ownership



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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>COUNCIL – 1 OCTOBER 2025</b></p>
<p>Subject</p>	<p><b>RECOMMENDATIONS FROM THE CONSTITUTION WORKING GROUP – DELEGATIONS AND PUBLIC PARTICIPATION IN PLANNING MEETINGS</b></p>
<p>Wards Affected</p>	<p>None</p>
<p>Accountable Member</p>	<p>Councillor Alaric Smith, Chair of the Constitution Working Group Email: <a href="mailto:alaric.smith@westoxon.gov.uk">alaric.smith@westoxon.gov.uk</a></p>
<p>Accountable Officer</p>	<p>Andrea McCaskie, Director of Governance Email: <a href="mailto:democratic.services@westoxon.gov.uk">democratic.services@westoxon.gov.uk</a></p>
<p>Report Author</p>	<p>Andrew Brown, Head of Democratic and Electoral Services Email: <a href="mailto:democratic.services@westoxon.gov.uk">democratic.services@westoxon.gov.uk</a></p>
<p>Purpose</p>	<p>To present Council with recommendations arising from meeting of the Constitution Working Group held on 17 September 2025.</p>
<p>Annexes</p>	<p>Annex A – Updated 4G: Other Miscellaneous Annex B – Updated Part 4F: Functions in relation to Planning Annex C – Updated rules for taking part in planning committees</p>
<p>Recommendations</p>	<p>That Council resolves to:</p> <ol style="list-style-type: none"> <li>1. Approve the updated Part 4G: Other Miscellaneous Functions (Annex A)</li> <li>2. Approve the updated Part 4F: Functions in relation to Planning</li> <li>3. Approve the updated rules for taking part in planning committees.</li> </ol>
<p>Corporate Priorities</p>	<ul style="list-style-type: none"> <li>• Putting Residents First</li> <li>• Working Together for West Oxfordshire</li> </ul>
<p>Key Decision</p>	<p>NO</p>
<p>Exempt</p>	<p>NO</p>

Consultees/ Consultation	Constitution Working Group Chairs and Vice Chairs of planning committees and sub-committees (on the rules for participating in planning meetings) Assets Manager Development Manager Principal Planner for Enforcement and Appeals
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## **1. EXECUTIVE SUMMARY AND BACKGROUND**

- 1.1** This report recommends changes to the Council's Constitution, following a meeting of the Constitution Working Group on 17 September 2025 where the Working Group considered three items on its work plan. Council is recommended to approve the recommendations made to it by the Constitution Working Group.
- 1.2** The Council's Constitution sets out how the Council operates, how decisions are taken and the procedures which are followed to ensure that decision-making is efficient, transparent and accountable to local people.
- 1.3** The Council has a legal duty to publish a constitution, which should be reviewed at least annually. The Council has an established, cross-party Constitution Working Group, which meets regularly and makes recommendations to Council regarding amendments to the Constitution, keeping it up to date with changes to legislation, governance practice and the wishes of the Council.

## **2. ASSET DELEGATIONS**

- 2.1** As part of the Phase 2 of the Publica Transition, assets and property functions transferred from Publica to the Council on 1 July 2025. The Council now has a dedicated Asset Manager post.
- 2.2** Officers have taken the opportunity to review the relevant delegations, which are set out in Part 4G of the Constitution. It is proposed to separate the asset functions into different levels, including a new category of transactions over £50,000 up to the key decision threshold of £150,000, for approval by the Director of Finance rather with appropriate consultation. It is further proposed to update the decision maker column to reflect current role titles.
- 2.3** Decisions above the £150,000 threshold are not delegated and would remain the responsibility of the Executive or Council depending on the nature of the decision.
- 2.4** Annex A shows the existing Part 4G and the proposed Part 4G for comparison and Council is recommended to agree the updated version.

## **3. PLANNING ENFORCEMENT DELEGATIONS**

- 3.1** The Council has new powers under the Levelling-Up and Regeneration Act 2023 to issue Enforcement Warning Notices, which requires a planning application to be submitted in circumstances where there has been a breach of planning control and there is a reasonable prospect that planning permission would be granted if a planning application were submitted. It is proposed that the serving of Enforcement Warning Notices is added to the enforcement delegations at Part 4F of the Constitution and delegated to the Senior Officer for Planning.

Similarly, the same Act granted a new power to local authorities to issue Listed Building Stop Notices, requiring works on a listed building to cease for 56 days. This mirrors an existing power for non-listed buildings to require the cessation of works in breach of

planning control. It is proposed that the serving of Listed Building Stop Notices is added to the enforcement delegations at Part 4F of the Constitution at PE8 and PDM9, with delegation to the Senior Officer for Planning. In addition, it is proposed that PE13 and PDM12 are updated to enable the Head of Legal Services to institute, defend and withdraw criminal or civil legal proceedings relating to Temporary Stop Notices for Listed Buildings, in addition to various other offences.

- 3.2** The Constitution Working Group also recommend that Urgent Works Notices under Section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 are included in Part 4F of the Constitution as being delegated to the Development Manager. These provide a notice of intention to carry out urgent works to preserve a listed building. This is a pre-existing power which is not currently included in the scheme of delegation but due to its urgent nature a delegation is recommended.
- 3.3** In the absence of a delegations for Enforcement Warning Notices, Listed Building Stop Notices and Urgent Works Notices, these responsibilities automatically sit with the relevant planning area sub-committee. Delegating these functions to officers would improve the Council's ability to react quickly to breaches of planning control. If delegated, officers exercising these functions would retain the ability to take the matter to the relevant committee if it was considered necessary to seek members' views and involvement.
- 3.4** Where enforcement activities have cost implications for the Council (i.e. for Urgent Works Notices), these would be reported to members through the normal channels. The Lowlands and Uplands Area Planning Sub-Committees currently receive regular updates on planning enforcement activities and would retain that oversight role.

#### **4. TAKING PART IN PLANNING COMMITTEES**

- 4.1** The Constitution Working Group considered changes to the rules on taking part in planning committees, which are hosted on the Council website but linked to in the Constitution.
- 4.2** The Planning Advisory Service (PAS) recommends that councils operate a clear policy on the use of additional material such as a presentation or distributing material to the committee.
- 4.3** It is proposed to include a new section titled "Handouts, visual aids or presentations" which clarifies that public contributions must be spoken and cannot include additional materials. This follows a recent Lowlands Area Planning Sub-Committee meeting where additional materials were handed out at the meeting, resulting in an application being deferred. There was also recently a request from a public participant to play audio recordings as part of their contribution, which the Chair did not agree to.
- 4.4** The Constitution Working Group noted that this change to the public participation rules would not stop all instances of materials being provided late (e.g. from statutory consultees), or of applications being deferred, but concluded that it would represent an improvement to the current public participation rules.
- 4.5** It is also proposed to clarify that the time allocated to those wishing to object to or support an application (other than the applicant/their representative) is intended to be used by those who have submitted objections or supportive comments as part of the planning process.



This is in line with practice at other Councils and is intended to prevent people who have engaged in the planning process from having to share the available time with those who haven't done so.

**4.6** The Chairs and Vice-Chairs of planning committees and sub-committees were consulted on these proposed changes in advance of the Constitution Working Group meeting and raised no objections.

**4.7** Annex C shows the proposed additions to the current rules in red text and letters to be removed in strikethrough text. Council is recommended to approve the updated rules for taking part in planning committees.

## **5. ALTERNATIVE OPTIONS**

**5.1** Council may choose not to accept recommended updates to its Constitution. By doing this, there is a risk in ensuring that decision-making is efficient, transparent and accountable to local people. This course of action is not recommended.

## **6. FINANCIAL IMPLICATIONS**

**6.1** There are no financial implications arising from this report.

## **7. LEGAL IMPLICATIONS**

**7.1** The Council has a duty to keep the Constitution up to date under S9P of the Local Government Act 2000. There are no other legal implications arising from this report.

## **8. RISK ASSESSMENT**

**8.1** By not regularly considering updates to the Council's Constitution, which sets out how the Council operates, how decisions are taken and the procedures which are followed, there is a risk to ensuring that decision-making is efficient, transparent and accountable to local people.

## **9. EQUALITIES IMPACT**

**9.1** There are no equality implications arising from this report.

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

**10.1** There are no climate and ecological emergencies implications arising from this report.

## **11. BACKGROUND PAPERS**

None.

(END)

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## **Proposal to Amend Delegated Authority for Land and Property Resulting in amendment to the Constitution and Financial Rules**

Amend 4G of the Constitution – Other Miscellaneous Functions

[https://meetings.westoxon.gov.uk/documents/s13259/Part4GOtherMiscellaneousFunctions.p  
df](https://meetings.westoxon.gov.uk/documents/s13259/Part4GOtherMiscellaneousFunctions.pdf)

### **Current**

		applicable)	
1.	<p>Commercial Property Rent Reviews and Agreement of New Leases and Licences.</p> <ul style="list-style-type: none"> <li>• Assignment of leases, deeds of variation, surrender of leases and landlord consents</li> <li>• Granting of Tenancy at Wills</li> <li>• Granting of Licences</li> <li>• Granting of wayleaves and easements</li> <li>• Agreement of rent reviews, unless (i) the decision is likely to result in court action; or (ii) the financial value of the rent review makes it a key decision as defined in the constitution of the Council</li> <li>• Agreement of new leases and licences to an increased rent maximum of £50,000</li> <li>• Enforcement of the terms and conditions of any commercial lease or agreement</li> </ul>		<p>Senior Officer responsible for Property and Regeneration in consultation with the Executive Member responsible for Finance, the Director of Finance and the Head of Legal Services</p>
2.	To approve future lettings at Marriott's Walk		<p>Director of Finance in consultation with the Executive Members responsible for Finance and Economic Development.</p>

### **Proposed**

No	Function	Decision Maker
1	<ul style="list-style-type: none"> <li>• Grant of Licences up to 12 months</li> <li>• Grant of Licences to Alter</li> <li>• Grant of Landlord's consents</li> <li>• Grant of Wayleaves under Statutory Powers</li> <li>• Enforcement of the terms and conditions of any commercial lease or agreement</li> </ul> <p>Subject to no unusual or contentious terms</p> <p>A register of decisions to be kept</p>	Assets Manager

2	<p>All Transactions listed below up to £50,000,</p> <ul style="list-style-type: none"> <li>• Acquisitions and Disposal of Land and Property</li> <li>• Grant of Licences for more than 12 months</li> <li>• Rent Reviews, Agreement of New Leases and Lease Renewals</li> <li>• Assignment of leases, deeds of variation, surrender of leases</li> <li>• Grant of Tenancy at Wills</li> <li>• Grant of Easements</li> </ul>	Assets Manager in consultation with the Director Finance, the Executive Member for Finance and the Head of Legal Services
3	<p>All Transactions listed below up to the key decision threshold of £150,000</p> <ul style="list-style-type: none"> <li>• Rent Reviews,</li> <li>• Agreement of New Leases and Lease Renewals</li> <li>• Assignment of leases, deeds of variation, surrender of leases</li> <li>• Grant of Tenancy at Wills</li> <li>• Grant of Easements</li> </ul>	Director of Finance in consultation with the Executive Member for Finance and the Head of Legal Services and the Assets Manager
4	<p>To approve leases at Marriotts Walk unless (i) the financial value of the transaction makes it a key decision as defined in the constitution of the Council</p>	Director of Finance in consultation with the Executive Members responsible for Finance and the Economy

## **The Financial Procedure Rules – Part 5I – F -Assets**

<https://meetings.westoxon.gov.uk/documents/s13268/Part%205I%20-%20Financial%20Procedure%20Rules.pdf>

**These rules will need to be updated to reflect the above**

### **Current**

#### **F: ASSETS**

##### **F1 Introduction**

**F1.1** The council holds assets in the form of property, vehicles, equipment, furniture, cash and other items worth many millions of pounds. It is important that assets should be safeguarded and used efficiently in the delivery of services. Assets should be used to achieve the approved policies and objectives of the council with the minimum of waste, inefficiency or loss.

**F1.2** This involves ensuring that appropriate assets are acquired, in line with the Council's Procurement Strategy; that they are recorded and kept securely and are disposed of effectively and economically when no longer required.

##### **F2 Full Council**

**F2.1** Full Council is responsible for deciding the extent of the Property Portfolio and for agreeing acquisitions and disposals. Approval is delegated to Executive for acquisitions not exceeding £500,000 (for Social Housing) and not exceeding £250,000 (for other land or property), unless otherwise delegated in the constitution.

**F2.2** Assets no longer required should be disposed off in accordance with the law and the rules and policies of the council, so as to maximise benefits.

##### **F3 Executive**

**F3.1** The Executive is responsible for approving terms for land / property acquisitions, as above 2.1

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**F4 Chief Executive (or other delegated Officer)**

**F4.1** The Chief Executive (or other delegated officer) is responsible for:

- Determining applications for the assignment of leases and granting sub-leases and under-leases and other applications for consent required by leases, as delegated in the constitution.
- Signing contracts for the sale or purchase of land, for which the disposal/acquisition has been agreed by the Executive or Full Council.

Part 5I: Financial Procedure Rules

1 July 2015

**F6 Monitoring Officer (or other appropriate Officer as delegated in the Constitution)**

**F6.1** The Monitoring Officer (or other delegated Officer), in consultation with the relevant Executive Members and relevant Ward Member(s) and the relevant Director, has authority, in the case of the resale of former Council houses, to give the Council's consent in all cases under Section 157(1) of the Housing Act 1985 where consent is obligatory and in other cases approved by the Executive; and authority to approve applications for the sale of former Council houses in Areas of Outstanding Natural Beauty.

Part 5I: Financial Procedure Rules

1 July 2015

**F6.2** The Monitoring Officer (or other delegated Officer), in consultation with the relevant Ward Member(s) and a 48 hour period being allowed for any response to such consultation, has authority to approve all transactions relating to the council's properties (except residual housing land) within their existing classifications; including:

- New leases granted by the Council
- Determination of applications for the Council's consent as landlord, required under leasehold covenants, including assignments, sub-letting and alterations/improvements
- Rent reviews
- Lease terminations (including surrenders);
- Lease renewals
- Institution of proceedings for breach of any leasehold covenant (including recovery of rent arrears and forfeiture) and enforcement of any resultant Court Order or Warrants for Possession (in consultation with the Head of Property Services)
- Licences regulating the use or occupation of council property.

**F6.2.1** Such approval (where appropriate) is to be on terms recommended by the District Valuer, or an independent Valuer.

**F6.3** The Monitoring Officer (or other delegated Officer), in consultation with the relevant Executive Member and the relevant Ward Member(s), has authority to agree the sale of Council-owned land on terms recommended by the District Valuer, or an independent Valuer, where the following conditions are fulfilled:

- The sale price of the land and easements does not exceed £50,000 and easements up to £25,000 per annum
- The terms of the sale are not unusual or contentious.
- The Executive Member and the Ward Member(s) have no objection to the sale.

**F6.4** The Monitoring Officer (or other delegated Officer) has similar delegated authority in relation to land purchases and easements, as set above.

**F6.5** The Monitoring Officer (or other delegated Officer), in consultation with the appropriate Director and Head of Property Services, has authority to approve the granting of way leaves, licences and other rights of use in respect of Council property.

**F6.6** The Monitoring Officer (or other delegated Officer) has the authority to instigate any investigations he/she considers necessary in particular cases regarding the lease of Council-owned commercial premises.

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**4F Functions in relation to Planning**

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<b>Enforcement Functions</b>			
<b>Ref.</b>	<b>Function</b>	<b>Delegated by:</b>	<b>Delegated to:</b>
PE1.	<p>To authorise named officers to enter land under the following provisions:-</p> <p>(a) Section 324 of the Town and Country Planning Act 1990.</p> <p>(b) Sections 196a and 196b of the Town and Country Planning Act 1990.</p> <p>(c) Sections 214b and 214c of the Town and Country Planning Act 1990.</p> <p>(d) Sections 88a and 88b of the Planning (Listed Buildings and Conservation Areas) Act 1990.</p>	Development Control Committee	Head of Legal Services/ Senior Officer for Planning
PE2.	<p>To serve Requisitions for Information and Planning Contravention Notices under the following enactments:-</p> <p>(a) Section 330 of the Town and Country Planning Act 1990.</p> <p>(b) Section 16 of the Local Government (Miscellaneous Provisions) Act 1976.</p> <p>(c) Section 89 of the Planning (Listed Buildings and Conservation Areas) Act 1990.</p> <p>(d) Section 171c of the Town and Country Planning Act 1990.</p>	Development Control Committee	Head of Legal Services/ Senior Officer for Planning
PE3.	To institute proceedings in the Magistrates' Court for any non-return of the notices referred to above.	Development Control Committee	Head of Legal Services
PE4.	To Serve Breach of Condition Notices.	Development Control Committee	Senior Officer for Planning

PE5.	To serve Enforcement Notices.	Development Control Committee	Senior Officer for Planning
PE6.	To serve Notices under section 215 of the Town and Country Planning Act for remedying the condition of land and to undertake consequent legal or direct action in default to secure compliance with the notice and recover expenses reasonably incurred.	Development Control Committee	Senior Officer for Planning
PE7.	Under Section 187(B) of the Town and Country Planning Act 1990 and Section 222 of the Local Government Act 1972 to seek an injunction to secure compliance with planning legislation or restrain breaches or anticipated breaches of planning control including breaches of agreements under Section 106 of the Town and Country Planning Act 1990.	Development Control Committee	Head of Legal Services
PE8	In cases of urgency the following matters: Article 4 Directions Listed Building Enforcement Notices Stop Notices Tree Preservation Orders Building Preservation Orders Temporary Stop Notices Temporary Stop Notices for Listed Buildings	Development Control Committee	Senior Officer for Planning
PE9.	Powers of action under Section 225 of the Town and Country Planning Act 1990 relating to fly posting and/or as amended or extended by the Clean Neighbourhoods and Environment Act 2005.	Development Control Committee	Senior Officer for Planning
PE10.	To serve discontinuance notices relating to breaches of Advertisement Regulations.	Development Control Committee	Head of Legal Services
PE11.	To take enforcement action and institute legal proceedings in respect of breaches of the Hedgerows Regulations 1997.	Development Control Committee	Head of Legal Services
PE12.	Applications under the Transport Act to the Licensing Authority for Goods Vehicle Operator's Licence: authority to make observations on the application to the Licensing Authority.	Development Control Committee	Development Manager

PE13	Institute, defend and withdraw criminal or civil legal proceedings for offences, breaches of Planning legislation (including for Listed Building Regulations and Tree Preservation Orders; non-compliance with enforcement notices, Stop Notices, Temporary Stop Notices,*Breach of Condition Notices, Section 215 Notices, and unauthorised advertisements). *Temporary Stop Notices for Listed Buildings,	Development Control Committee	Head of Legal Services
PE14.	To determine that no further action is required in respect of a breach of planning control which could have been dealt with under delegated powers through the grant of a planning permission had an application been submitted.	Development Control Committee	Senior Officer for Planning
PE15	To withdraw Enforcement Notices and Breach of Condition Notices when they have clearly been complied with and it is no longer possible for breaches to occur.	Development Control Committee	Senior Officer for Planning
PE16	The power to withdraw Article 4 Directions where it is no longer expedient to remove permitted development rights.	Development Control Committee	Senior Officer for Planning
PE17	To serve Enforcement Warning Notices under Section 172ZA of the Town and Country Planning Act 1990	Development Control Committee	Senior Officer for Planning
PE18	In cases of urgency under section 54 of the Planning (Listed Buildings and Conservation Areas) Act 1990 to serve a notice of intention to carry out works that appear to be urgently necessary for the preservation of a listed building and the power to carry out those works on the expiry of the notice period.	Development Control Committee	Development Manager

Trees			
	Function	Delegated by:	Delegated to:
PT1.	In cases of urgency the making of Tree Preservation Orders.	Development Control Committee	Senior Officer for Planning
PT2.	Authority to confirm unopposed Tree Preservation Orders.	Development Control Committee	Senior Officer for Planning
PT3	<p>Authority to determine:</p> <p>(a) any application to carry out work to a tree(s) subject to a Tree Preservation Order;</p> <p>(b) any notification to carry out work to a tree within a Conservation Area.</p> <p>(Subject, in the case of a refusal recommendation, to prior consultation with the Ward Member(s)).</p>	Development Control Committee	Senior Officer for Planning / Development Manager
PT4	<p>To authorise named officers to enter land under the following provisions:-</p> <p>(a) Section 324 of the Town and Country Planning Act 1990.</p> <p>(b) Sections 196a and 196b of the Town and Country Planning Act 1990.</p> <p>(c) Sections 214b and 214c of the Town and Country Planning Act 1990.</p> <p>(d) Sections 88a and 88b of the Planning (Listed Buildings and Conservation Areas) Act 1990.</p>	Development Control Committee	Head of Legal Services / Senior Officer for Planning
PT5.	Authority to institute proceedings in the Magistrates' Court in respect of breaches of Tree Preservation Orders and Trees within Conservation Areas and non-compliance with Tree Replacement Notices.	Development Control Committee	Head of Legal Services

PT6	To determine Hedgerow Removal Notices and ancillary matters.	Development Control Committee	Senior Officer for Planning / Development Manager
PT7	To take enforcement action and institute legal proceedings in respect of breaches of the Hedgerows Regulations 1997.	Development Control Committee	Head of Legal Services
PT8	To deal with any consultation (subject to there being no objections) by the Forestry Commission under:  (a) Felling licence regulations.  (b) The Forestry Grant Scheme.  (c) Dedication Scheme.  or such schemes and regulations as may replace or supplement the above.	Development Control Committee	Senior Officer for Planning / Development Manager
PT9	To determine, following prior consultation with the local Member(s), that no further action is required in respect of a breach of control which could have been dealt with under delegated powers had an application been submitted.	Development Control Committee	Senior Officer for Planning / Development Manager

Development Management			
	Function	Delegated by:	Delegated to:
PDM I	To authorise named officers to enter land under the following provisions:-  a) Section 324 of the Town and Country Planning Act 1990.  b) Sections 196a and 196b of the Town and Country Planning Act 1990.  c) Sections 214b and 214c of the Town and Country Planning Act 1990.	Development Control Committee	Head of Legal Services

	d) Sections 88a and 88b of the Planning (Listed Buildings and Conservation Areas) Act 1990.		
PDM 2	To determine whether the prior approval of the Local Planning Authority is required for development falling within the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (as amended).	Development Control Committee	Development Manager
PDM 3	Authority to require an Environmental Statement under the Town and Country Planning (Environmental Impact Assessment) (England and Wales) Regulations 1999 (as amended) and to offer screening and scoping opinions.	Development Control Committee	Development Manager
PDM 4	<p>To determine (with or without planning conditions or obligations) all planning applications and applications for Advertisement Consent, Listed Building Consent, Conservation Area Consent (as amended), Certificates of Lawfulness, Time Limit Extensions, Variation of Conditions (S73) or Prior Approval under the General Permitted Development Order under delegated powers, with the following exceptions:-</p> <p>(a) Planning Applications which within 28 days of the date of registration any District Councillor requests (in writing) that it be determined by the Committee/Sub-Committee, stating the planning reasons for such referral.</p> <p>(b) Applications where the intended decision would be a material departure from the provisions of the approved or draft development plan or other approved or adopted Council planning policies or Supplementary Planning Guidance.</p> <p>(c) Applications submitted by or on behalf of the Council or which, in the opinion of a Senior Officer for Planning, affect Council owned land and/or buildings.</p> <p>(d) Applications for floodlight masts exceeding 6m in height when operational and Planning Applications for telecommunications masts (with the exception that additional antennae may be allowed provided that the Government's safety guidelines are met).</p>	Development Control Committee	Senior Officer for Planning / Development Manager

	<p>NB Applications for telecommunication masts under the prior approval process can be determined under delegated powers.</p> <p>(e) Applications submitted by or on behalf of a Member or employee of the Council (or their spouse/partner) or where there may be a similar perceived or actual conflict of interest.</p> <p>(f) Applications which involve the proposed variation or discharge of a section 106 deed that materially differs from the Council's standard models or departs from the reasons for the original imposition of the obligation.</p> <p>(g) Applications which the Senior Officer for Planning or Development Manager, considers should be referred to the appropriate Area Planning Sub-Committee for determination.</p> <p>(h) Applications where the views of the Town Council or Parish Council are clearly contrary to the proposed recommendation and cannot be resolved by condition or negotiation (with the exception of householder development or advertisement consent, which may continue to be delegated).</p> <p>(i) Applications submitted within one year of a dismissed appeal on the site where it is intended that the application be approved (other than where the approval would reflect the clear views of the Inspector when determining the initial appeal).</p> <p><b>Notes regarding PDM4:</b></p> <p>1) The restrictions set out in categories (a) to (i) above shall not apply to applications for a resubmission of an extant valid planning permission or to applications where the principle of the development has already been agreed by a previous permission/consent and the new proposal contains details generally consistent with the earlier permission and planning circumstances have not changed.</p> <p>2) The restrictions set out in categories (a) to (i) above shall not apply to any application seeking Reserved Matters consent where the principles have</p>		
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	<p>previously been agreed and the details are consistent with the criteria set out in the outline permission.</p> <p>3) The determining officer shall only exercise the delegated powers after taking into account all material planning considerations, including any written planning objections or representations which may have been received.</p> <p>4) The determining officer shall only exercise the delegated powers in accordance with planning legislation, regulations and procedures under which provision may be made for reference of applications to the Secretary of State or other statutory body.</p> <p>5) The determining officer shall only exercise the delegated powers following the expiry of the relevant consultation periods (with the proviso that where, because of the submission of the application in relation to the meeting date, it is not possible to deal with an application within the statutory period, then the application shall be referred to the Committee/Sub-Committee in advance of the expiry of the consultation period for Members to determine whether they wish to delegate determination of the application to Officers).</p> <p>6) The Senior Officer for Planning shall report details of all Planning applications determined under delegated powers to Members of the appropriate Area Planning Sub-Committee.</p>		
PDM 5	Where recommendations on a planning application or proposal are not accepted by the Area Planning Sub-Committee, the right to withdraw the application or proposal for final determination by the Development Control Committee.	Development Control Committee	Senior Officer for Planning
PDM 6	Authority to determine that a particular planning application or other matter shall be referred to the Development Control Committee for decision.	Development Control Committee	Senior Officer for Planning or Development Manager
PDM 7	Authority to deal with complaints about High Hedges under Part 8 of the Anti-Social Behaviour Act 2003.	Development Control Committee	Senior Officer for Planning or Development Manager



PDM 8	To determine discharge of conditions applications, Minor and Non Material Amendments	Development Control Committee	Development Manager/Case Officer
PDM 9	In cases of urgency the following matters:  Article 4 Directions  Listed Building Enforcement Notices  Stop Notices  Tree Preservation Orders  Building Preservation Orders  Temporary Stop notices <b>Temporary Stop Notices for Listed Buildings</b>	Development Control Committee	Senior Officer for Planning
PDM 10	Under Section 187(B) of the Town and Country Planning Act 1990 and Section 222 of the Local Government Act 1972 to seek an injunction to restrain breaches of planning control including breaches of agreements under Section 106 of the Town and Country Planning Act 1990.	Development Control Committee	Head of Legal Services
PDM 11	To determine, that no further action is required in respect of a breach of planning control which could have been dealt with under delegated powers through the grant of a planning permission had an application been submitted.	Development Control Committee	Senior Officer for Planning
PDM 12	Institute, defend and withdraw criminal or civil legal proceedings for offences breaches of Planning legislation (including for Listed Building Regulations and Tree Preservation Orders; non-compliance with enforcement notices, Stop Notices, Temporary Stop Notices,*Breach of Condition Notices, Section 215 Notices, and unauthorised advertisements). <b>* Temporary Stop Notices for Listed Buildings,</b>	Development Control Committee	Head of Legal Services
PDM 13	The power to withdraw Article 4 Directions where it is no longer expedient to remove permitted development rights.	Development Control Committee	Senior Officer for Planning
PDM 14	To respond to applications for the winning and working of minerals or the use of land for mineral-working deposits (a “County matter” and, therefore, not determined by this Council which has only a consultee role) following consultation with the Ward	Development Control Committee	Development Manager

	Member, and with the Chair of the Development Control Committee and the Leader of the Council.		
PDM 15	To respond to applications for waste development (a “County matter” and, therefore, not determined by this Council which has only a consultee role) following consultation with the Ward Member, and with the Chair of the Development Control Committee and the Leader of the Council.	Development Control Committee	Development Manager
PDM 16	Applications under the Transport Act to the Licensing Authority for Goods Vehicle Operator's Licence: authority to make observations on the application to the Licensing Authority.	Development Control Committee	Development Manager
PDM 17	Authority to submit observations on Traffic Orders to the Highway Authority.	Development Control Committee	Development Manager
PDM 18	To decide whether to decline to determine applications under sections 70a and 70b of the Town and Country Planning Act and sections 81a and 81b of the Planning (Listed Buildings and Conservation Areas) Act 1990.	Development Control Committee	Senior Officer for Planning or Development Manager
PDM 19	To determine applications for Permission in Principle and Technical Details Consent.	Development Control Committee	Development Manager
PDM 20	To determine applications where a decision to return the matter to committee would result in the potential for the application fee to be refunded as no extension of time has been agreed.	Development Control Committee	Development Manager
PDM 21	To advertise applications for footpath diversions.	Development Control Committee	Development Manager
PDM 22	To respond to Oxfordshire County Council in respect of Regulation 3 and Regulation 4 proposals.	Development Control Committee	Development Manager

Conservation Areas			
	Function	Delegated by:	Delegated to:
PCI.	With the exception of either the designation of or an amendment to the boundaries of a Conservation Area, to exercise the Council's functions in relation to Conservation Areas.	Executive	Senior Officer for Planning

Neighbourhood Plans			
	Function	Delegated by:	Delegated to:
PNP.	To assess whether or not the Council is satisfied that the qualifying body of a Neighbourhood Development Plan have complied with the criteria in the Neighbourhood Planning (General) Regulations (2012) in order for the Plan to proceed to Regulation 16 Consultation and Examination, and where they have not, publish any decisions requiring further action by the qualifying body in a Decision Statement.	Executive	Head of Planning Services in consultation with the Executive Member responsible for Planning.

## NOTES

- Where under any delegation consultation should be undertaken with the local member this should be i) by e-mail; and ii) for a period of three days and the delegation should only be undertaken after that period has expired and where there is no disagreement between members in multi member wards. No response will be taken as an agreement to the suggested action.
- Changes to Officer titles, onward delegation and minor drafting changes to ensure that delegations operate at the most appropriate level are authorised without referral back to the Development Control Committee.

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## Taking part in Planning Committees

When planning applications are heard by the Development Control Committee or a [Planning Sub-Committee](#), there is an opportunity for applicants, members of the public and other interested parties to put forward views for or against the application. The information that they provide is considered to be very useful in helping the Committee or Sub-Committee to reach a sound planning decision.

### Who can speak

You can request to attend the meeting and address the Committee or Sub-Committee in person. Three minutes is allocated for each of the following groups to address the meeting:

- Those **who have submitted an objection** to the application
- The relevant parish or town council
- Those **who have submitted a supporting comment to** the application, **or i** the applicant/**a representative, e.g. an agent.**
- The ward member(s)

### How long you can speak for

The time limit **is three minutes and** will be strictly applied. This means that the total time allocated for all representations on any application is twelve minutes. We ask that you forward a copy of your submission to us prior to the meeting, just in case there are any difficulties on the day and you are unable to attend the meeting.

### Registering to speak

Please contact us by 12 noon the Friday before the meeting to request to take part by emailing [democratic.services@westoxon.gov.uk](mailto:democratic.services@westoxon.gov.uk).

Alternatively you can call Customer Services on 01993 861000 (please note that you will still need to email your submission to [democratic.services@westoxon.gov.uk](mailto:democratic.services@westoxon.gov.uk)).

### At the meeting

**Please arrive 15 minutes before the meeting and make yourself known to a member of the Democratic Services team.**

Planning applications for which a speaker or speakers have been registered will, whenever possible, be heard first. This may involve some re-ordering of the applications compared to how they appear on the meeting agenda.

## **Handouts, visual aids or presentations**

Public contributions must be spoken, and so on the day cannot include any additional materials such as, but not limited to:

- Handouts such as Powerpoint presentations
- Letters
- Audio files or videos
- Photographs or illustrations
- Site plans, surveys, written representations or graphs

## **What you can comment on**

Submissions will be allowed on any application on the schedule of planning applications to be considered by the Development Control Committee or Planning Sub-Committees. For example, applications for planning permission, listed building consent, conservation area consent, advertisement consent and applications to fell trees subject to Tree Preservation Orders. Public speaking will also be allowed where confirmation of a previous decision is being sought. Submissions will not be allowed on other items within the agenda, such as potential enforcement action cases where there is no associated retrospective planning application, decisions taken under delegated authority, appeal decisions, or Lawful Development Certificates which are legal determinations based on the facts.

Planning meetings are held in public and no submissions of a personal, slanderous, defamatory, or otherwise offensive or abusive nature should be made.

A maximum of three minutes per submission will be allowed. The time must be strictly adhered to. The Chair may, in exceptional circumstances, use their discretion to extend the time allocated for representations.

## **Conflict of interests**

Submissions must be seen to be truly independent and not have a direct interest in the application or be related to, or a business associate of the applicant. Town and Parish Councillors are reminded of their responsibilities under the agreed Code of Conduct. The Council will not be aware of any interests or conflicts which town or parish councillors have, so the responsibility for complying with this rests with the town or parish councillor concerned.

By virtue of paragraph(s) 3 of Part 1 of Schedule 12A  
of the Local Government Act 1972.

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