

**ANNEX A**

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

**August 2022**

## **1. Introduction**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

No change to the SPD needed.

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

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

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

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

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

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

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

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

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

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

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

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

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

<p>On primary and secondary school contributions, we would suggest that much more certainty is required. There is an inference that the County will change the contributions and review the costs on a case by case basis. Paragraph 9.12 also includes too much flexibility around whether a new school would be required or not. Our preference, to aid forward planning, would be for the pupil yield and costs per unit to be set out in the SPD and then applied following clearly specified guidelines. Education contributions are increasingly a cause for delay around Oxfordshire. Part of the problem has been the difference between the costs of school extensions compared with the much higher total cost of a new school. Given new allocated large scale sites are likely to be the predominant provider of new schools (not least because they will provide the school site), the simple solution would be to set a policy that carves out new housing allocations for bespoke negotiations with County Education, with all other sites picking up a contribution rate set by the SPD or CIL</p> <ul style="list-style-type: none"> <li>• We support the use of CIL for health care, fire, policing and ambulance contributions, subject to viability testing.</li> <li>• The importance of high speed broadband in a rural district such as West Oxfordshire, we wonder whether the District Council uses CIL to pump prime a partnership with a fibre provider. This would deliver very wide ranging benefits to local communities, schools and businesses.</li> </ul>	<p><a href="#">Guide to Infrastructure Delivery and Contributions</a> which was adopted in 2021.</p> <p>Developers should refer to it and contact the County Council at early stages of their schemes to discuss education contributions including for example yields and costs.</p> <p>The support for the potential use of CIL receipts for health, fire, policing and ambulance is noted.</p> <p>The comments in relation to broadband are noted. The revised draft SPD clearly sets out the Council’s position on this issue in line with the NPPF and Policy OS2 of the Local Plan 2031.</p> <p>The potential future use of CIL receipts towards broadband provision would be a separate consideration.</p>
<b>Blue Cedar Homes</b>	
Issues raised	WODC response
<p>The explanatory text refers to Policy H3 and housing schemes within the AONB of 6-10 units and floorspace of no more than 1000m<sup>2</sup> making a contribution towards affordable housing ‘off-site’. This is taken from a previous iteration of the NPPF (para 63), 2018. Since then, the NPPF has been updated and whilst the unit threshold has remained – that is less than 10 dwellings – the floorspace threshold has been removed (para 63, NPPF, Feb 2019). The text should be updated to reflect this.</p>	<p>The explanatory text set out in the SPD reflects Policy H3 of the adopted Local Plan. This is consistent with paragraph 64 of the NPPF (July 2021) which refers to the application of lower thresholds in designated rural areas.</p> <p>No change to the SPD needed.</p>

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

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

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

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

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

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

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

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

<p>The end of bus subsidies in July 2016 left many communities in West Oxfordshire bereft of public transport. Only commercially viable services survived and the establishment of the Comet service could not possibly fill these gaps.</p> <p>Some services have survived however through section 106 contributions. In West Oxfordshire this has helped to fund services like the 15, 19, X9 and especially the 233. Developer funding is a very important tool available. The County Council control the spending of section 106 on public transport. Progress has undoubtedly been made in clearing a large backlog of funding which had built up over several years but millions remain undistributed. This is very frustrating for local communities. There has never been a public consultation process in place for section 106 contributions and parishes are encouraged to be grateful for what they can get.</p> <p>This is not always what is wanted or needed however. In many ways problems result not from the commitments made in the document but from the failure to implement them. There are too many examples of developments taking place without section 106 mitigations in place.</p> <p>This can be illustrated by current examples:</p> <p>1) WINDRUSH PLACE</p> <p>This large strategic site has almost £1,000,000 in section 106 contributions for public transport but has only seen £85,000 spent on 2 bus stops. Development has long since breached the criteria of being more than 400 metres/440 yards from a bus stop.</p> <p>The intention is that the S1 is extended into the estate and most people would welcome this . Centenary Way has still to be completed however and it is unlikely in my opinion that Stagecoach will alter their service without funding. This means that a temporary shuttle service provided by either a commercial operator or community transport and funded by section 106 is sorely needed.</p> <p>This large pot is to be subsumed into one giant pot for all the strategic sites along the A40 corridor. There has to be a risk that the comprehensive service promised does not get delivered.</p> <p>2) COLWELL GREEN</p>	<p>Planning obligations sought towards public transport provision must be in accordance with the Regulation 122 CIL Tests and to accord with national planning policy and the local plan policies towards more sustainable travel modes and developments.</p> <p>The use of contributions which have been secured by Oxfordshire County Council towards public transport is outside the control of WODC and the scope of the SPD.</p> <p>It is relevant to note that OCC is now required to publish an annual Infrastructure Funding Statement (IFS) to ensure greater transparency in relation to developer contributions received and how they have been spent.</p> <p>In terms of the comments made regarding CIL, once introduced, as set out in the revised draft SPD, it may be possible for CIL receipts to potentially provide some support towards public transport. Oxfordshire County Council (OCC) is the responsible authority for delivery of key highways and public transport infrastructure.</p>
--	---

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

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

### 3) LINDEN GARDENS

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

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

### 4) FREELAND

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

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

### 4) STANTON HARCOURT

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

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

#### 6) BRADWELL VILLAGE

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

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

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

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

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

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

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

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

CIL

I support the policy that enables PCs to receive a proportion of the CIL receipts from development in their parish (min 15%).

WODC should encourage all TCs and PCs to prepare and keep a list of what their communities need in the way of local infrastructure to ensure some element is not forgotten.

Where housing schemes involve ten dwellings or less, part of the CIL due should be allocated to education, highways and public transport subsidy so that in effect every new home is making a contribution to these.

Comments noted.

The apportionment of CIL receipts to Town and Parish Councils is determined through national legislation.

A number of Town and Parish Councils have produced a schedule of potential infrastructure needs and requirements either formally as part of neighbourhood and community plans or informally.

The forthcoming review of the West Oxfordshire Local Plan will be accompanied by an updated Infrastructure Delivery Plan (IDP) which will further consider specific needs.

Additional text has been included in the revised draft SPD to emphasise the importance of early dialogue with Town and Parish Councils and other relevant stakeholders (see Section 23).

In terms of the spending of CIL receipts, the SPD provides an indication of where such receipts may be used. Further information will be set out in the Council's annual Infrastructure Funding Statement once CIL is adopted.

<p><u>Viability</u></p> <p>In my view this section is in need of a rewrite – in my experience it is not the developer/housebuilder that actually bears the cost of S106 contributions. They may pay the money over to the Council, but it is the landowner who bears the actual cost because the price he/she gets paid for his/her site is reduced pro-rata by the amount the developer/housebuilder knows the S106 agreement requires to be paid. Indeed it is only right that the landowner should bear such costs because it is only as a result of the planning consent granted by the Council that his/her land has become much more valuable. In this part of England agricultural land (existing use) values are about £7K to £10K an acre or £17K to £25K per ha. Residential development land values have ranged from c.£400K to over £1m an acre depending on the facts.</p> <p>So that represents a simply massive increase in capital value and a source of additional value that can well afford to pay a greater share towards local infrastructure etc. It follows that there should be only very rare cases of viability arguments from a developer/housebuilder; if he has agreed to pay or indeed paid too much for the land that is his fault and is not a valid argument seeking to justify paying reduced S106 contributions.</p> <p>The reality is that that if a landowner is getting paid for example ten times the existing agricultural use value, he should be more than pleased. In practice in recent years many landowners have been receiving more like £400K to over £1m per acre depending on the facts/circumstances. That is up to 100 times existing use value. In many, if not nearly all, cases the landowners are still receiving the lions share of the uplift in value from agricultural /existing use to residential development value.</p> <p>In my view the community – who have created the additional value - should receive a larger share of this windfall but still leave the landowner with a handsome reward.</p>	<p>Comments noted.</p> <p>The revised draft SPD clearly sets out the position in relation to development viability with reference to the national policy position that viability is to be established at the plan making stage.</p> <p>The Local Plan 2031 was supported by a whole plan viability assessment which considered the issues raised in this comment including existing use values and the appropriate ‘uplift’ or benchmark land value.</p> <p>No further change to the SPD needed.</p>
<p><u>Affordable Housing</u></p> <p>I would like to see in particular rented affordable homes being more affordable than the current 80% of market rent. If as is the case in this part of England property prices and rents are especially high due to market demand and short supply, even 80% of high rents is still out of reach of many on the housing waiting list.</p> <p>WODC and Blenheim Estate have devised the so called Blenheim formula, with 50% to 60% of Market rents being set; this formula needs to be rolled out with other sites/owners wherever possible in WODC.</p>	<p>Comments noted.</p> <p>Affordable rent is defined as at least 20% below market rents. This does not mean that affordable rent will necessarily be 80% of the market rent and a greater amount of discount can be negotiated along with other tenures including social rent.</p>

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

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

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

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

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

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

#### Protected species

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

#### Strategic Environmental Assessment/Habitats Regulations Assessment

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

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

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

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

<p>The SPD refers to the Council’s starting point being that planning applications are viable given the viability assessment work undertaken at the Local Plan stage. It is important to recognise however that the Local Plan was examined under the National Planning Policy Framework (NPPF) 2012 and therefore was not subject to the same degree of viability assessment at the Examination stage as is now required under the NPPF 2018. The SPD should be updated to correctly reflect this position.</p> <p>It is important to note that the emerging CIL charging schedule has however been subject to detailed viability assessment, and this proposes that the SDA sites should be ‘zero rated’.</p> <p>We have commented separately on the CIL charging schedule and its evidence base and as such do not repeat these comments here. It is however necessary to recognise that the current SPD consultation document has not been subject to any viability assessment. It is also unclear whether the requirements which it seeks to introduce have informed the CIL viability assessment.</p> <p>Concern is therefore raised that the current approach of the SPD at worst risks rendering key allocations in the Local Plan unviable and undeliverable; and at best significantly delays the delivery of the strategic allocations in the Local Plan whilst viability negotiations would be required to be undertaken for each individual site.</p> <p>If the Council’s CIL evidence base recognises the significant infrastructure requirements placed upon the SDA’s, then so should this SPD. In the absence of any additional or contrary viability evidence, we submit that the SPD must similarly result in a zero contribution requirement from the SDA sites as their infrastructure requirement will be met on site and secured through appropriate Section 106 Agreements.</p> <p>The Council’s last five year housing land supply position was published in October 2019 with a base date of 1st April 2019 and concluded the Council could demonstrate a 6.8 year housing land supply. This supply assumed delivery of 2,150 dwellings from allocations in the Local Plan with that 5 year period, equivalent to 2.49 years of the Council’s anticipated supply. Should the delivery of these sites be delayed by protracted viability discussions then this would impact on the Council’s ability to demonstrate a five year housing land supply, particularly when the current flexibilities afforded by the Oxfordshire Growth Deal (including the requirement to only demonstrate a three year housing land supply), expire in March 2021.</p>	<p>Comments noted.</p> <p>The position relating to viability is clearly set out in the revised draft SPD with the general premise being that planning applications will be assumed to be viable.</p> <p>If there are site specific factors that mean the viability of a particular site differs significantly from that modelled in the whole plan viability testing, applicants can submit a viability appraisal setting out the reasons that necessitate a site-specific viability appraisal, for which the applicant will bear the cost.</p> <p>The comments relating to CIL are noted however, the adoption of CIL is a separate process to the SPD and the proposed zero rating for the SDAs will be the subject of independent examination in due course.</p> <p>SPDs cannot set new policy and as such it is not necessary or appropriate to undertake a separate viability assessment of the SPD.</p> <p>There appears to be a concern that the SPD as drafted will result in a huge cost burden that will cause problems in terms of deliverability and viability.</p> <p>The revised draft SPD makes it clear that the items contained within it will be the subject</p>
---	--

	<p>of negotiation – it is not intended to be a composite list of everything that will be required on every site on every occasion.</p>
<p>The introductory sentence to the SPD states that the purpose of the SPD is:</p> <p>“to set out in a transparent manner, the approach that will be taken by West Oxfordshire District Council in securing new and improved infrastructure to support growth in the District through the use of planning obligations and the Community Infrastructure Levy (CIL).”</p> <p>As clearly demonstrated below, the SPD fails to meet this aspiration and instead introduces greater uncertainty regarding the deliverability and viability of the SDA sites in particular, and therefore raises doubt regarding the Council’s ability to meet its adopted Local Plan requirements.</p> <p>Based on the information provided in Part 3 of the SPD it appears the North Witney SDA could be expected to provide the following infrastructure components (in addition to the requirements set out in the Local Plan Policy WIT2):</p> <ul style="list-style-type: none"> <li>• Indoor sports and leisure facilities</li> <li>• Outdoor sports facilities</li> <li>• Play provision to include LAP, LEAP, NEAP and MUGA (although play space is assumed to be required as part of the SDA, the SPD seeks to introduce significantly greater requirements)</li> <li>• Amenity greenspace, natural and semi-natural greenspace, and formal parks and gardens (although open space is assumed to be required as part of the SDA, the SPD seeks to introduce significantly greater requirements)</li> <li>• Community facilities</li> <li>• Community services including libraries, adult and children support services and museums</li> <li>• Burial space</li> <li>• Primary health care – including the potential requirement for provision of land or buildings</li> <li>• Secondary health care</li> <li>• Contributions towards extra care housing, care/nursing homes, adult and social care and family</li> <li>• Fire and Rescue – including the potential requirement for provision of land or buildings</li> </ul>	<p>The comments are noted.</p> <p>The primary concern appears to be the extent of infrastructure requirements/ components that could be sought in relation to the North Witney SDA.</p> <p>However, it is important to note that, as is clearly explained in the revised draft SPD, not all of the potential contributions identified will be relevant to all development proposals and that the actual ‘package’ of developer contributions that is ultimately secured will depend on a number of factors including the type, scale and location of development.</p> <p>It is also relevant to note that a number of these items will in any case have a very modest impact on viability.</p> <p>As an example, any requirement for a contribution towards policing and ambulance could for example be in the form of a shared touch down space within a community building.</p> <p>The SPD does not introduce additional policy requirements and clearly explains</p>

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

This can be arranged on a per phase basis.

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

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

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

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

<p>asset owners have been largely inadequate and not at all timely. There needs to be an ongoing strategy in place and (realistic) funds set aside for renewal of these facilities. We should not underestimate the extent to which these are ‘adverts’ for Witney (for travelling teams) yet are rated as some of the worst in the various leagues.</p> <ul style="list-style-type: none"> <li>• The availability of suitable land with decent drainage is an issue – there may be more flexibility to build this into new sites. Changing facilities and social areas are also a crucial part of this if we are to encourage greater use by all sections of the community – and should be automatically built into any provision.</li> <li>• There still seems to be a link between school sites and provision of leisure facilities in planning. It is a nice idea but in practice presents numerous issues in terms of safeguarding and access for the wider community. It imposes cost/renovation/management requirements on schools, who are not necessarily financially best placed to bring these about, and takes control away from local councils when it comes to ensuring the needs of the community are met. It would work much better the other way round.</li> <li>• I can tell you what the strategy documents will raise as the key issues! They were also the key issues in 2014 – yet little progress has been made to address them. Once in place and agreed, they should be the go to planning document - providing a clear picture of what needs to be tackled and when which is formulated with proper input from facility owners. This will also help town councils plan. It is all rather disjointed and ad hoc at the moment.</li> <li>• There should be better definition of what is required in play areas- often these are complete oversights and just a tick in the box – some do not provide anything meaningful to the members of the communities in which they are placed.</li> </ul>	<p>No change considered necessary to the SPD.</p>
---	---

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