



WEST OXFORDSHIRE
DISTRICT COUNCIL

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

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

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

2. BACKGROUND

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

3. REVISED DRAFT DEVELOPER CONTRIBUTIONS SPD

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

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

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

4. NEXT STEPS

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

5. FINANCIAL IMPLICATIONS

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

6. LEGAL IMPLICATIONS

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

7. RISK ASSESSMENT

- 7.1. The report raises no specific risks.

8. EQUALITIES IMPACT

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

9. CLIMATE CHANGE IMPLICATIONS

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

10. ALTERNATIVE OPTIONS

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

11. BACKGROUND PAPERS

- 11.1. None.