



WEST OXFORDSHIRE
DISTRICT COUNCIL

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

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

1. INTRODUCTION

- 1.1** Developer contributions are made in order to mitigate the impact of new development. Typical examples include the provision of green space, school places and transport improvements.
- 1.2** There are several forms of developer contributions including Section 106 legal agreements, Section 278 agreements and the Community Infrastructure Levy (CIL) which is an optional charge. Local authorities can also mitigate the impact of new development and enhance quality through the use of appropriate planning conditions.
- 1.3** The Developer Contributions SPD has been prepared to help explain how these various mechanisms are intended to co-exist and complement each other and, more specifically, what contributions will be sought in West Oxfordshire.
- 1.4** The SPD is aimed at a broad audience including landowners and developers, statutory providers, partners, stakeholders, service providers, Town and Parish Councils and the local community.

2. BACKGROUND

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

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

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

3. DEVELOPER CONTRIBUTIONS SPD – FINAL ADOPTION VERSION

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

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

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

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

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

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

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

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

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

4. NEXT STEPS

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

5. ALTERNATIVE OPTIONS

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

6. FINANCIAL IMPLICATIONS

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

7. LEGAL IMPLICATIONS

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

8. RISK ASSESSMENT

- 8.1 The report raises no specific risks.

9. EQUALITIES IMPACT

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

10. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS

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

11. BACKGROUND PAPERS

- 11.1 None.