



WEST OXFORDSHIRE
DISTRICT COUNCIL

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Name and Date of Committee	EXECUTIVE – 15 JULY 2026.
Subject	SECTION 106 SPENDING AUTHORISATION
Wards Affected	WITNEY CENTRAL
Accountable Member	Councillor Liz Leffman – Executive Member for Planning and Infrastructure Email: liz.leffman@westoxon.gov.uk
Accountable Officer	Kim Langford-Tejrar – Infrastructure Delivery Lead Email: kim.langford-tejrar@westoxon.gov.uk
Report Author	Kim Langford-Tejrar – Infrastructure Delivery Lead Email: kim.langford-tejrar@westoxon.gov.uk
Purpose	The purpose of the report is to consider whether future decisions on the expenditure of Section 106 funds secured towards Witney Town Centre improvements should be delegated to the Chief Executive in consultation with the Director of Finance.
Annexes	Annex A - Extract of section 106 agreement for 13/0345/P/FP.
Recommendations	That the Executive resolves to: I. Delegate authority to the Council's Chief Executive, in consultation with the Director of Finance and the Executive Member for Planning and Infrastructure, for making future decisions on the expenditure of Section 106 developer contributions relating to the improvement of Witney Town Centre.
Corporate Priorities	• Putting Residents First • A Good Quality of Life for All • A Better Environment for People and Wildlife • Working Together for West Oxfordshire

Key Decision	YES
Exempt	NO
Consultees/ Consultation	Senior Leadership Team (SLT) was consulted on the process for approving Council-led section 106 project spends in May 2026 and advice was given that Executive approval is the relevant route.

I. INTRODUCTION

- I.2** Members will be aware that the Council can require developers receiving planning permission to contribute towards the delivery of 'infrastructure' to mitigate the impact of growth and meet the needs of residents. These 'developer contributions' are secured via Section 106 legal agreements (s106) and Community Infrastructure Levy (CIL) charges as appropriate.
- I.3** 'Infrastructure' in this context is any facility or service necessary to support the needs of residents, for example; transport, education, healthcare, open space, sports and recreation, public art and other public realm improvements.
- I.4** This report relates to two financial contributions paid by developers to the Council towards the '*improvement of Witney town centre*' collected by the Council via s106 legal agreements arising from planning permissions within the Witney area. These are:
- £319,308.47 from planning permission ref. 13/0345/P/FP for 36 houses at Springfield Nurseries, Curbridge Road, Witney; and,
 - £346,956.20 planning permission ref. 12/0084/P/OP for 271 houses at Downs Road, Witney.
- I.5** This report seeks delegation of authority to authorise spending from these two s106 agreements towards improvement projects in Witney town centre in line with the terms of the legal agreements, for the reasons set out below.

2. SECTION 106 SPENDING

- 2.1** The requirements of Regulation 122 of the Community Infrastructure Levy Regulations 2010 (as amended) state that any s106 obligation must be:
- (a) Necessary to make the development acceptable in planning terms,
 - (b) Directly related to the development; and,
 - (c) Fairly and reasonably related in scale and kind to the development.
- To meet these tests, s106 agreements specifically define what financial contributions are required, when that must be paid and upon what infrastructure it may be spent. Financial contributions cannot be spent other than in accordance with the terms of the legal agreement.
- 2.2** S106 agreements can require either the direct delivery of infrastructure by the developer (usually onsite facilities such as open space) or financial contributions towards off-site infrastructure. With financial contributions, s106 agreements will commonly require the Council to either:

- (a) Transfer the funds direct to infrastructure providers such as the Integrated Care Board or County Council (if the latter does not have its own agreement to developer) as soon as we receive them; or,
- (b) Hold the funds until a relevant organisation such as a sports club or Parish/ Town Council makes a request for transfer of funds once they are ready with a detailed scheme to implement. Members will be aware that this is the reason the Council holds funds that have a clear purpose under the terms of the legal agreement (earmarked), but which have not been formally allocated because no requests for transfer of funds have been approved yet.

2.3 Most of the s106 agreement terms for the s106 agreements relating to planning permissions 13/0345/P/FP and 12/0084/P/OP fall within these categories, and relevant infrastructure projects have already been delivered by external stakeholders following successful funding requests. However, the agreement terms for the 'Witney town centre improvement' financial contributions do not follow the common spending requirements set out above. Instead, those specific financial contributions are to be directly spent by the Council, either on projects of its own or on projects developed with partner organisations. This creates a positive and exciting opportunity for the Council to use the funds to implement and deliver projects itself.

2.4 Officers leading on Witney town centre improvement projects will need to make formal requests to drawdown the funds from the s106 agreements in accordance with our established governance procedures. This report seeks delegation of spending authorisation of the '*Witney town centre improvements*' s106 financial contributions from the Executive Committee to the Chief Executive in consultation with the Director of Finance. The delegation of authority will:

- Allow projects to progress with certainty of funding,
- Prevent delays in releasing s106 funding by requiring several individual requests for funding to be referred to Executive; and,
- Be responsive to time-critical factors which could otherwise block or stymie the projects (such as s106 spending deadlines, changing costs due to external factors, aligning funding streams).

3. WITNEY TOWN CENTRE PROJECTS

3.1 The specific contributions of £319,308.47 and £346,956.20 are defined within the respective s106 agreements as a "*Witney town centre contribution*" for spending on "*improvements to Witney town centre*". The definition of '*improvements*' within the agreements is reasonably broad to accommodate several potential infrastructure schemes. The geographical extent of the town centre is identified within the Local Plan 2031 (current plan) shown below.

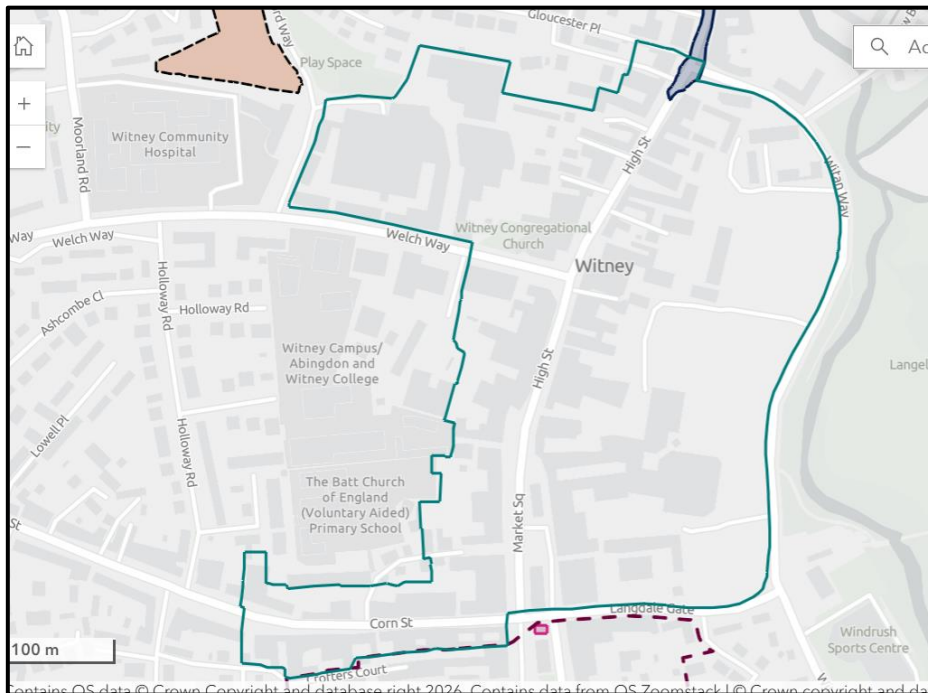


Figure I- Witney Town Centre Extent Map

3.2 Officers are formulating several detailed proposals aimed at enhancing the Witney town centre environment for our residents utilising this funding. At present, there are three main projects in progress which will rely in part on the s106 funding. These are:

- **Marriotts Walk Public Realm Project-** a comprehensive range of public realm enhancements including planting, seating and public art curated and designed to make the Marriotts Walk area of the town centre more accessible and attractive to our residents. As part of this project, officers are considering installation of swift boxes onto the buildings to improve ecology and visitor experience of the area.
- **Witney Wayfinding Project-** a range of engaging signage distributed across the town centre and beyond to improve the legibility and navigation of the town to enhance resident's experience, and to reinforce local identity. This project is also supported by UK Shared Prosperity Funding (UK SPF) for elements outside of the defined town centre area.
- **Oxfordshire County Council's Witney Town Centre improvement scheme-** This scheme has mostly been funded by the County Council and is at an advanced stage. The scheme is to create a more welcoming public realm that encourages more people to visit and spend time in the town centre, makes walking, wheeling and cycling easier and more pleasant for everyone, and complements the town's history and character. It

supports the existing traffic arrangement on Witney High Street and Market Square. The s106 agreement funding would supplement the County Council funding to allow for upgrades in street surfacing and furniture (such as bus stops).

- 3.3 These projects locate proposed enhancements within the defined limits of the town centre and would implement improvement of the town centre public realm and resident-visitor experience. Officers are therefore content that funding the projects from the s106 agreements for permissions 13/0345/P/FP and 12/0084/P/OP would be in accordance with the terms of the s106 legal agreements. Any other projects which may come forward will be considered within the same parameters.
4. Whilst all three schemes are progressing, the exact costings for each scheme have yet to be finalised and therefore it is considered more efficient to seek delegation of spending authority from the Executive Committee, rather than ask for agreement for specific spends. The timescale for spending/ contracting the contribution from the s106 agreement for permission 13/0345/P/FP is by October 2026, so this approach also reduces risk.
- 4.1 At present, the Wayfinding Project is seeking £84,000.00 of the funding and the Marriotts Walk Public Realm Project is seeking £210,000.00 of the funding. These amounts are subject to change as the projects progress. The costing for the County project has yet to be determined.
- 4.2 There are sufficient funds available within the s106 agreements to cover all three projects, plus a surplus to cover increased costs or additional projects. There is therefore minimal risk of the projects not being delivered once funding is delegated due to lack of funding. The cost of materials and labour have fluctuated recently (with great increases in the cost of the former), so enabling the projects to commence without delay via delegation of spending authority may also reduce risk of further increased cost.
- 4.3 There is, however, a risk to the funding due to delays in the projects. As mentioned above, the terms of the s106 agreement for 13/0345/P/FP includes a spend-by (contracted) deadline for these funds. If the projects are not contracted before October 2026, the developer party to the agreement could request a return of the funds. Officers are seeking delegation of authority to authorise spend to help towards mitigating this risk (as well as taking all other appropriate steps to progress the projects).
5. **NEXT STEPS**
- 5.1 Once spending is delegated, projects can progress with certainty of funding, and the spending can be authorised once detailed costs are known. Officers will contract suppliers and contractors to implement the enhancements to the town, in accordance with procurement rules. The Communications Team will also be involved by project leaders at

this point to ensure that awareness of this positive outcome delivered by developer contributions is raised amongst our residents.

6. ALTERNATIVE OPTIONS

6.1 Consideration has been given to other potential projects being funded via the Witney town centre contributions. This has included various works within Witney suggested by the Town Council and the Witney High Street and Market Square Enhancements Project being led by Oxfordshire County Council. So far some of these options were not feasible for funding from the s106 agreements due to:

- Proposed works located outside of the defined town centre, therefore not complying with the terms of the s106 agreement; and/or,
- The implementation timing of the project did not align with the spend-by (contracted) deadline of the s106 legal agreement in question. This is either because they are already fully funded by other means and details are already contracted in the case of the majority of the County Council Project, or because the lead time for the project including securing relevant permissions extends beyond the spend-by date.

6.2 The recommendations to this report make no value judgements on those potential projects and officers will continue working closely with stakeholders.

6.3 Members may also choose not to delegate authority to authorise spends to explore yet unknown alternative projects, however, given the spend-by deadline of this funding, this would result in a high risk of the spend deadline passing enabling a return request rather than delivery of any alternative project.

7. FINANCIAL IMPLICATIONS

7.1 The approval of delegation for spending on these and other relevant projects would reduce the available funds for Witney Town Centre Improvements from the s106 agreements. Since the use of these funds is limited towards improvements in a defined area, the wider financial implications are therefore limited.

8. LEGAL IMPLICATIONS

8.1 The legal implications of spending (s106) contributions under the Town and Country Planning Act 1990 are significant because these funds are legally constrained, purpose-specific, and enforceable obligations as set out under Regulation 122 of the Community Infrastructure Levy Regulations 2010 (above).

8.2 It must also be remembered that a s106 planning agreement is a contractual agreement and the parties, including the Council are bound to the terms therein. These have been set out in the report at each heading.

- 8.3** Failure to spend lawfully and in time can result in mandatory repayment, loss of infrastructure and/or funding and potential accounting issues.
- 8.4** The Council must also consider that misuse or misallocation of funds or failure of administration and procedure can be challenged. Delegation will aid swift and flexible decisions to be made with correct authority.

9. RISK ASSESSMENT

- 9.1** As set out above, the risk of projects being stymied due to lack of funding is limited. However, there is risk of funding not being contracted or spent before the spend deadline due to delays in delivery of these projects. The recommendation of this report is to in part mitigate that risk by streamlining the funding approval process.

10. EQUALITIES IMPACT

- 10.1** The report is not considered to raise any implications for any of the characteristics protected under the Equality Act 2010. Indeed, these projects involve changes to the public realm which will improve accessibility of infrastructure and generally promote equality for all residents.

11. CLIMATE AND ECOLOGICAL EMERGENCIES IMPLICATIONS

- 11.1** The report is not considered to raise any particular implications for any of the characteristics protected under the Equality Act 2010. Indeed, these projects involve changes to the public realm which will improve accessibility of infrastructure to promote equality.

12. BACKGROUND PAPERS

- None.