

CONSULTATION STATEMENT

DEVELOPER CONTRIBUTIONS SUPPLEMENTARY PLANNING DOCUMENT

Prepared under Regulation 12(a) of the Town and Country Planning (Local Planning) (England) Regulations 2012.

1. Purpose and Background

This consultation statement has been prepared in accordance with Regulation 12(a) of the Town and Country Planning (Local Planning) (England) Regulations 2012, which states that, before a local planning authority adopts a supplementary planning document it must prepare a statement setting out:

- i. The persons the local planning authority consulted when preparing the supplementary planning document;
- ii. A summary of the main issues raised by those persons; and
- iii. How those issues have been addressed in the supplementary planning document.

The Council has prepared a Statement of Community Involvement (July 2016) which shows how it will involve the community in its plan and policy-making process. This document can be viewed on the Council's website. The Developer Contributions SPD has been prepared in accordance with the steps outlined in Table 3 of this document.

The Planning and Compulsory Purchase Act 2004 sets out the requirements for preparing SPDs as part of the planning process. SPDs should build upon and provide more detailed advice or guidance on the policies in the Local Plan.

The purpose of the Developer Contributions SPD is to set out the Council's approach to seeking Section 106 planning obligations and their operation alongside the Council's emerging Community Infrastructure Levy (CIL).

The SPD does not create new policy. The adopted Cherwell Local Plan 2011-2031 sets the planning framework up to 2031 with the Developer Contributions SPD providing a further level of detail to guide development proposals.

The SPD will be a material consideration in the determination of planning applications alongside the Local plan and other planning policies.

2. Consultation undertaken during early preparation of Draft SPD

Details of key consultations undertaken during the development of the draft Developer Contributions SPD are provided in the table below.

Persons Consulted	Method	When	Main Issues raised	How addressed in SPD
Cherwell District Council (DM, Legal)	Working Group	On a regular basis during preparation of SPD	Working Group discussed matters such as scope and content of SPD, including detailed procedures related to securing S106 contributions; project specific requirements.	Suggestions and comments used to develop and refine SPD. E.g. SPD reflects legal advice on scope for S106 agreements and compliance with regulations.
CDC – Key stakeholders	Meetings, emails	On-going basis, as necessary, during the preparation of the SPD	Detailed comments and suggestions received on content and scope of SPD.	Suggestions and comments used to develop and refine SPD. E.g. Detailed comments on affordable housing, inclusion of section on Apprenticeship & Skills, guidance on approach to Biodiversity.
OCC – Key stakeholders	Meetings, emails, telephone conversations.	On-going basis, as necessary, during the preparation of the SPD.	Detailed comments and suggestions received, particularly relating to education and transport.	Suggestions and comments used to develop and refine SPD. E.g. Education standards and detailed transport and highway requirements (including calculation of contributions).
Oxfordshire Clinical Commissioning Group	Email	18/7/2016	No comments received	
Thames Valley Police	Email	18/7/2016	No comments received	
Thames Water	Email	Via consultation on IDP	Projects to be included in IDP	SPD makes reference to projects listed in IDP.
SSE (Electricity)	Email	Via consultation on IDP	Projects to be included in IDP	SPD makes reference to projects listed in IDP.
All persons registered on the Council's Local Plans consultation	Email, website, hard copies, notices, social media, parish	12 February – 25 March 2016 as part of the CIL Regulation 15	Limited comments received on the relationship of CIL	SPD provides clear advice on relationship of S106

database	council workshops	consultation. Paragraph 2.3 of the Council's Position Statement on CIL and Planning Obligations (Feb 2016) stated ' The Council intends to publish for consultation a new Developer Contributions SPD at the next CIL consultation stage for the Draft Charging Schedule. However, early views are welcome as part of the first CIL consultation to help inform the SPD review process.'	with S106 requirements. (A summary of the representations received is set out in Appendix 1).	requirements and CIL. Document is compliant with CIL Regulations.
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3. Formal Consultation on the Draft SPD

Formal public consultation on the draft SPD will now be undertaken. A number of methods will be used to seek responses as follows:

- **Mail out:** information will be sent to all persons registered on the Council's consultation database, including specific, general and prescribed bodies. This will be undertaken by email or letter.
- **Website:** the SPD will be published on the Council's website.
- **Hard copies:** the SPD will be available in hard copies at the locations in Appendix 2.
- **Public Notices:** notices will be placed in the Banbury Guardian, Oxford Mail and Bicester Advertiser newspapers.
- **Social Media:** public notifications will be issued.

4. Responses

All representations received will be recorded, analysed and recommendations made about how they should be taken in to account to inform the final SPD. The final SPD will be presented to the Council's Executive, and if approved, presented to the Council for formal adoption.

5. Conclusion

The production of the Developer Contributions SPD has involved wide ranging stakeholder consultation. This has directly influenced both early development and later refinement of the document. Public consultation will now take place in accordance with statutory regulations.

If there are any questions on this Consultation Statement please contact the Planning Policy Team on 01295 227985 or email planning.policy@cherwell-dc.gov.uk

Appendix 1

Cherwell CIL Preliminary Draft Charging Schedule, February 2016: Summary of Representations Received Related to Section 106 Contributions

- Development-specific planning obligations may continue to be used for mitigation such as archaeological investigations, access and interpretation, and the repair and reuse of heritage assets. (*Historic England*)
- NW Bicester benefit from a resolution to approve for a number of dwellings and s106 negotiations are on-going but provision of County wide and town wide infrastructure is outstanding. The burden of infrastructure provision could well be exacerbated by the reliance entirely upon s106. Whilst we anticipate permission in respect of the A2D applications in advance of CIL, there are areas of the master plan that have yet to be the subject of permission. (*Barton Wilmore*)
- The key tests of CIL Regulation 122 should be outlined within the supporting documentation. (*Barton Wilmore*)
- Paragraph 2.14 should make clearer what types of infrastructure will be provided as S.106 planning obligations and what as CIL. If CIL is brought in, the role of planning obligations should be limited to onsite provision and limited offsite circumstances such as S.278 works. It is requested that CIL is placed on hold pending the outcome of the national consultation but if progressed the draft Regulation 123 List should be published asap and consultation undertaken on it. (*Bidwells*)
- Welcome CDC intention to operate CIL and planning obligations as complementary funding mechanisms. We wish to work with CDC to achieve this. (*OCC*)
- At times, the CDC documents refer to 'on-site' mitigation in reference to S106 agreements. Infrastructure 'directly related' to a development can be 'on-site' and 'off-site'. While S278 can deal with off- site highway mitigation there can be other off-site impacts. It will be important the forthcoming Planning Contributions SPD is not unduly restrictive in this regard. (*OCC*)
- Appendix 1 of the Position Statement sets out potential funding sources of infrastructure funding. Here, it refers to 'local site-related transport requirements'. This better reflects an approach that we would want to see in the forthcoming SPD and R123 List that would enable S106 contributions. (*OCC*)

Parish Council Workshops

Parish Councils were invited to consultation workshops as part of the issues consultation on the Cherwell Local Part 2 and the Partial Review of the Cherwell Local Plan Part 1.

Two workshops took place for Parishes in the north and south of the District on 23 and 24 February 2016.

Consultation on CIL was also highlighted although this was not the focus of the workshops.

Issues Raised Specific to S106 Agreements

- Discussion around potential sources of funding to supplement and improve existing and future infrastructure requirements. E.g. open space, transport, schools, and community facilities.
- Developer contributions needed to improve changing rooms and extend village hall.
- Parish has used S106 money to upgrade facilities.
- It would be beneficial if the contributions from various smaller sites could be used to fund much larger, better equipped sites.
- CDC officers advised on the preparation/review of the IDP and the relationship between CIL and S106 agreements and how they are used to fund infrastructure.

Appendix 2: Where and When to Inspect Documents

www.cherwell.gov.uk/policypublicconsultation

Hard copies are available at the locations listed below during opening hours

Cherwell District Council Offices, Bodicote House, Bodicote, Banbury, OX15 4AA
8.45am - 5.15pm Monday –Friday

Banbury Town Council, the Town Hall, Bridge Street, Banbury, OX16 5QB
Monday to Thursday 9am- 4.45pm, Friday 9am- 4pm

Banbury Library, Marlborough Road, Banbury, OX16 5DB
Monday 9am – 1pm, Tuesday 9am-7pm, Wednesday 9am – 8pm, Thurs and Friday 9am – 7pm, Saturday 9am – 4.30pm, closed Sunday

Neithrop Library, Community Centre, Woodgreen Avenue, Banbury, OX16 0AT
Monday 10am – 7pm, Tuesday Closed, Wednesday 2pm – 5pm, Thursday 10am – 1pm, Friday 10am- 5pm, Saturday 9.30am – 1pm, closed Sunday

Bicester Town Council, The Garth, Launton Road, Bicester, OX26 6PS
Monday – Thursday 9am – 5pm, Friday 9am – 4pm

Bicester Library, Old Place Yard, Bicester, OX26 6AU
Monday 9.30am – 7pm, Tuesday 9.30-5pm, Wednesday and Thursday 9.30am – 7pm, Friday 9.30am – 5pm, Saturday 9am-4.30pm, closed Sunday

Kidlington Library, Ron Groves House, 23 Oxford Road, Kidlington, OX5 2BP
Monday 9.30am – 5pm, Tuesday 9.30am – 7pm, Wednesday 9.30am – 1pm, Thursday 9.30am – 5pm, Friday 9.30am – 7pm, Saturday 9.00am – 4.30pm, closed Sunday

Adderbury Library, Church House, High Street, Adderbury, OX17 3LS
Tuesday: 10 am –12 noon & 3 – 7pm, Thursday: 2pm – 5pm & 6 – 7pm, Friday: 10am – 12 noon & 2 pm – 5pm, Saturday: 9.30 am –1pm, closed Monday, Wednesday & Sunday

Deddington Library, The Old Court House, Horse Fair, Deddington, Oxon. OX15 0SH
Monday 2pm - 5pm, 5.30pm - 7pm, Tuesday Closed Wednesday 9.30am - 1pm, Thursday 2pm - 5pm, 5.30pm - 7pm Friday Closed Saturday 9.30am - 1pm, closed Sunday

Hook Norton Library, High Street, Hook Norton, Banbury, Oxon, OX15 5NH
Monday 2pm - 5pm, 6pm - 7pm, Tuesday Closed, Wednesday 2pm - 5pm, Thursday Closed, Friday 2pm - 5pm, 6pm - 7pm, Saturday 9.30am - 12.30pm, closed Sunday

Copies will be available on the North, Central and West Mobile Library Services.

For details of locations and times of the mobile library visit www.oxfordshire.gov.uk or phone 01865 810240

Banbury LinkPoint, 43 Castle Quay, Banbury, Oxfordshire, OX15 5UW
8.45am (10am Wednesday) to 5.15pm Monday to Friday

Bicester LinkPoint, 38 Market Square, Bicester, Oxfordshire, OX26 6AL
8.45am (10am Wednesday) to 5.15pm Monday to Friday

Kidlington LinkPoint, Exeter Hall, Oxford Road, Kidlington, Oxon, OX5 1AB
8.45am (10am Wednesday) to 5.15pm Monday to Friday