

Planning Obligations
Draft Supplementary Planning Document

N.B. This is a working draft document. It will be updated prior to the meeting of the Executive on 10 January 2011 as further information becomes available. Any questions on the outstanding work should be directed to Shona King (01295 221643 <mailto:shona.king@cherwell-dc.gov.uk>.)

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1. Purpose

1.1 This Planning Obligations Supplementary Planning Document (SPD) offers on how the Council (as Local Planning Authority - LPA) will:

- decide what new infrastructure and facilities need to be provided as a consequence of development; and
- assess requirements for “in kind” provision and / or financial contributions towards provision.

1.2 This SPD has been produced in line with current national planning policy and guidance and the Development Plan. It provides detailed guidance on the application of Development Plan policies.

1.3 A planning obligation is either a Deed of agreement or a unilateral undertaking made under planning legislation, in association with a planning permission for new development. It normally applies to an aspect of a development that cannot be controlled by imposing a planning condition or by use of other statutory controls. Without it the planning permission could not be granted. It can serve various purposes, including:

- Prescribing the nature of a development, and providing for associated measures required to implement the development;
- Compensating for loss or damage created by a development; or
- Mitigating a development’s impact

Planning obligations are legally binding and enforceable if planning permission is granted.

1.4 By providing this guidance the LPA aims to minimise uncertainty and time spent on negotiating obligations in connection with individual planning applications. It is hoped that this document will enable applicants to work with the LPA to determine the terms of any planning obligation at the earliest opportunity in the planning process, including through constructive pre-application discussions. Pre application work on planning obligations is important in ensuring that the LPA can act speedily and effectively once an application is received.

1.5 The guidance also seeks to provide assurance, and a full explanation, to existing residents and businesses in the district about how the LPA will meet its policy commitment to ensuring that new development makes a contribution to meeting the infrastructure demands it imposes on the area.

1.6 This guidance does not cover every possible circumstance and/or obligation that may need to be taken into account, but provides a clear indication of the LPA’s essential requirements in respect of the provision of infrastructure and community facilities and services. This will enable developers to understand planning obligation requirements and costs from the outset and to make appropriate provision when they are formulating proposals and undertaking financial appraisal.

- 1.7 The planning obligations that may be sought are set out in two sections within this SPD:
- 1) on site related items, where some provision is likely to be through “in kind” facilities directly provided by the developer and some will be covered by financial contributions
 - 2) general infrastructure related items or projects that are suitable for a tariff approach or a future levy approach
- 1.8 Section 1 includes items relating to the provision of facilities on the development site. These will be required as a direct result of the impact which a development scheme places on its site and surroundings and will often necessitate use of land on the site. This may be, for example, where the developer builds or provides directly and/or makes financial contributions towards the maintenance of facilities on site that are to be adopted by public bodies. Also on site mitigation measures may be required. These are items such as:
- Affordable housing
 - Local open space, play space and landscaping
 - Local community facilities and services such as education facilities and community halls
 - Sustainable urban drainage systems
 - Nature conservation and biodiversity
 - Sustainable construction
 - Sustainable transport and travel plans, footpath /cycleway provision, public transport infrastructure and access improvements
- 1.9 Section 2 includes items that are considered to be general community infrastructure or service items where the LPA seeks a partial financial contribution towards enhancing provision to meet the needs of the development. This contribution will usually take the form of a ‘standard charge’. These charges are required to deal with the wider transport, accessibility, social, and recreation impacts arising from development within the area. They usually cover off site impacts. These are items such as:
- Strategic open space, sport and recreation
 - Cemeteries
 - Indoor Sport
 - Strategic community facilities, including community development
 - Refuse and recycling
 - Public art
 - Public realm
 - General Transport and Access Impacts
 - Education
 - Children’s Centres and Nursery Provision
 - Integrated Youth Services
 - Libraries
 - Day Care Provision for the Elderly
 - Adult Learning
 - Museum Resource Centre
 - Public Rights of Way
 - Fire and Rescue

- Health
- Police
- Air quality
- Strategic Flood Defence

1.10 The general tariff items in the above list will not normally be applied to affordable housing schemes or the affordable housing element of other residential development.

1.11 Pooled contributions will be expected to partly fund the provision of infrastructure or facilities where direct on-site provision is not required, either because the development is of insufficient scale, or because the specific proposals or site constraints do not offer the right opportunity.

1.12 Contribution requirements under in Section 2 can be assessed individually by application of the clearly defined calculation methods set out. The necessary payments can be negotiated in the normal way and included in a planning obligation. However the list of items in this section is also put forward as the Council's list of infrastructure items that it will include in any future unified financial levy (per dwelling or area of floorspace) applied in a mandatory fashion outside the terms of a planning obligation. Any unified levy would be set by reference to:

- relevant local infrastructure and facility needs and costs as defined in the Development Plan (Infrastructure Needs / Infrastructure Plan Section)
- calculation methods included Section 2 of the Planning Obligations SPD.

1.12.1 For certain requirements contributions are sought from major development only. For the purposes of this document the definition of major development is:

- For residential development - 10 or more units of residential accommodation or a site area exceeding 0.5 hectares where it is not known how many dwellings are to be created.
- For non-residential development - where the floor space to be built is 1000 m² or more or the development site area is 1 hectare or more.

2. Policy Framework

- 2.1 The system of planning obligations was introduced to enable LPAs to negotiate direct mitigation measures and / or financial contributions on large scale developments, on a site by site basis. This was with the objective of allowing significant development proposals which might not otherwise be acceptable in planning terms, to be permitted. This approach did not readily allow account to be taken of smaller scale developments and their cumulative impact.
- 2.2 Over time the scope of planning obligations has extended beyond the original intention and government has encouraged local authorities to introduce tariff systems with standard charges and pooling of contributions designed to address wider, off site, development impacts and to facilitate contributions from smaller developments. . This approach attempts to try to spread the burden of infrastructure costs arising as a result of new development, more fairly and evenly. Should the LPA see fit standard charges of this kind can be applied as a unified and non negotiable levy applied by head of population, dwelling numbers or floorspace.
- 2.3 This SPD has reference to the full range of current national policy and guidance on planning obligations.
- 2.4 The Development Plan sets out the LPA's policy that all new development should address the on and off-site infrastructure needs it generates.
- 2.5 The infrastructure, services and community facilities required by the LPA's policies and the types of development they apply to are detailed in the topic sections of this SPD. The need for an obligation, the thresholds and, where relevant, the level of financial contributions, are informed by appropriate evidence and are linked to the infrastructure plan for the area included in the Development Plan.
- 2.6 A full list of the background documents and evidence sources that inform this SPD is contained in Appendix A and the relevant sources are referred to in each of the topic sections. The LPA will update these evidence sources as necessary.
- 2.7 The nature of guidance on infrastructure and other planning obligation requirements is such that there can be a need for relatively frequent update. The topic sections of this SPD are therefore prepared as self contained guidance notes that can be updated individually as necessary and then slotted into the overall document on a loose leaf basis. Where such update is necessary changes will be subject to appropriate consultation.

3. Procedures

General approach

- 3.1 The LPA will assess each application individually to determine if an obligation is needed and what matters it should address. It will do this in consultation with other public bodies responsible for infrastructure provision.
- 3.2 The policies in the Development Plan provide the policy framework within which planning obligations will be sought. In addition the LPA's Supplementary Planning Documents and informal planning guidance documents provide a further, more detailed, framework for determining which planning obligations the Authority may seek to negotiate on a proposal by proposal basis. In some instances the LPA will have prepared an SPD or an informal planning guidance document (e.g. a development brief) that offers site / area specific policy and guidance relevant to the determination of the planning obligations required.
- 3.3 The LPA will use planning obligations to:
 - secure general planning requirements that are necessary to allow the development to be permitted;
 - ensure that there is satisfactory infrastructure to allow the development to proceed and that the infrastructure provided will be maintained; and
 - offset the relevant adverse impacts on the environment, social, recreational and community facilities and transport systems that may arise from development, where the development might otherwise have been refused because of those adverse impacts.
- 3.4 Many developments give rise to infrastructure or facility requirements that are sought by both the LPA and infrastructure providers such as the County Council. Where this is the case both parties will work together to provide details of the likely planning obligation requirements. The LPA will expect a single planning obligation agreement or undertaking covering both the LPA's and infrastructure provider's requirements. To reflect the LPA's decision making role the parties to an agreement will normally be the LPA only and the relevant parties on the applicant's side. Infrastructure providing bodies will not need to be party to an agreement unless they are making a specific commitment in consideration of the applicant's obligation.
- 3.5 As part of any pre-application discussions the LPA will seek to agree the requirements and heads of terms for any planning obligation. Where a planning obligation is necessary the public sector parties to the agreement will expect their legal and monitoring costs in respect of the preparation of the planning obligation to be reimbursed. An undertaking to this effect, together with details of the applicant's solicitor and ownership of the development site will be required before any legal work takes place. The LPA will expect to prepare the draft planning obligation. Standard forms of agreement or agreement clauses (see details below) will be used wherever possible. The LPA's standard agreement clauses will be drafted with reference to the principles established in any national model agreements. However the LPA will not be bound by such

model agreements where there are good general or case based reasons to use a different form of agreement.

- 3.6 It is the Council's strong preference, where applications and associated planning obligations are more complex, that negotiations occur and agreement on heads of terms is achieved before a planning application is submitted. Applications will not be registered if they are not accompanied by draft heads of terms for any planning obligation as this is a local validation requirement.
- 3.7 When an application is submitted that is likely to require a planning obligation that is not accompanied by draft heads of terms, the application will remain unregistered and applicants will need to discuss the likely requirements and heads of terms with a planning officer. Only when the draft heads of terms are received will the application be registered. If there is a good prospect of negotiating a suitable obligation the case officer will notify the Council's Head of Legal & Democratic Services and any other relevant public sector parties. The applicant will be asked to provide details of their solicitor, title and a costs undertaking. As soon as the requirements and heads of terms for the planning obligation are agreed, and title and a costs undertaking are received, a draft planning obligation will be produced for submission to the applicant's solicitor. This process will work well for simpler planning applications/ obligations.
- 3.8 In all cases negotiations on planning obligations must be complete prior to the consideration of any planning application by the Planning Committee. The Committee will not be able to make a decision on an application without a report on agreed heads of terms for a planning obligation. The absence of agreement on the terms of a necessary planning obligation will be sufficient for an application to be refused permission.
- 3.9 An obligation will need to be fully completed prior to the issue of a planning permission. Therefore speed of process depends on there being efficient liaison in the provision of the detailed information or in settling an agreed draft of a planning obligation. Conditions requiring developers to enter into a legal agreement before commencement of development will not normally be used as the level of security they provide and enforceability is uncertain.
- 3.10 In cases where only obligations dealing with standard financial contributions, are sought, the LPA will encourage developers to provide a unilateral undertaking and to make the contributions on the granting of planning permission. The LPA will provide a standard form of unilateral undertaking. This approach allows applicants for small schemes to avoid the legal costs and possible time delays typically associated with planning agreements. Further information on the procedures for and standard format of unilateral undertakings can be found in Appendix B (i).
- 3.11 Once the obligation has been sealed and completed, a copy will be placed on the planning register, the local land charges register and a copy will be sent to the planning department. This makes the full terms of the obligation public.
- 3.12 As well as covering the legal fees incurred by the public parties in drawing up the obligation, for more complex agreements, developers will normally be expected to pay a project management fee. This fee will go towards the staffing costs for the management of the agreement and monitoring of its implementation.

- 3.13 The process for negotiating Planning Obligations is summarised diagrammatically at Appendix B (ii) and a model agreement can be found on the Council's website (web link)
- 3.14 The population figures that have been used as the basis for assessing the population impact of new development and to inform the SPD are those from the Oxfordshire County Council Survey of New Housing 2008. These can be found at Appendix B (iii). The Oxfordshire County Council Survey of New Housing Summary Report is available on the Oxfordshire Data Observatory website (web link)

Viability

- 3.15 One of the key objectives of this SPD is to alert applicants of the likely planning obligations that will be required from development well in advance of any planning application being submitted. This allows the costs of obligations required by the LPA to be factored into any land transactions and formulation of a scheme at a very early stage.
- 3.16 The LPA recognises that in dealing with development proposals, financial viability concerns may arise. This does not include instances where developers acquire sites without permission at unrealistically high prices and then seek reductions in the level of planning obligations. As a result of viability issues the LPA may, in some cases, need to prioritise obligations so as to manage the most significant impacts of development.
- 3.17 The relative priority to be given to competing requirements will be always be specifically assessed with regard to the Development Plan policies, the needs of the locality and the particular characteristics of the site and its setting. The order of priority may change depending upon local identified needs in relation to the development of a particular site.
- 3.18 However, the LPA's general approach to priorities is set out in Table 3.1 below. In the first instance, the LPA expects to address and secure requirements with a high priority. These are generally the items relating to the provision of facilities on the development site. They will be needed as a direct result of the impact which a development scheme places on its site and surroundings.
- 3.19 The medium priority items are generally those required to deal with the wider transport, accessibility, social, and recreation impacts arising from development within the area.
- 3.20 The low priority items are those where the development will place new demands on general public services and capital projects. In these instances the providing bodies may, as a result of development viability issues, need to consider securing funding from sources other than developer contributions...

Table 3.1 – Planning Requirement Priorities

High Priority	Medium Priority	Low Priority
Affordable Housing	Transport and Accessibility	Health
Local Open Space, Play Space and Landscaping	Education – Nursery, Primary, Secondary	Police

Sustainable Urban Drainage Systems	Strategic Open Space/ Sport and Recreation	Public art
Sustainable Transport and Travel Plans, Footpath/Cycleway Provision and Access Improvements	Strategic and Local Community Facilities	Community Development Funding
	Strategic Flood Defence	Libraries
	Nature Conservation and Biodiversity	Children's Centres and Nursery Provision
	Sustainable Construction	Integrated Youth Support Services
		Adult Learning
		Day Care Provision for the Elderly
		Museum Resource Centre
		Air Quality
		Strategic Waste Management
		Refuse Bins and Recycling Banks
		Fire and Rescue
		Public Realm
		Cemeteries

- 3.21 Where a disagreement arises about financial viability and the level of planning obligations sought, the applicant will be expected to provide the Council with evidence to support their case. The evidence will often be assessed by the LPA on the basis of in house valuation and estates advice. However in some circumstances it may be necessary to reach an understanding about conducting and evidencing a detailed open book financial appraisal. In complex cases the LPA will also expect the applicant to agree to a jointly commissioned financial appraisal report prepared by a suitably qualified, independent, assessor. Where there are significant financial issues arising for the third party public bodies responsible for providing infrastructure, the LPA will also expect that body to commit to this assessment process and its conclusions.
- 3.22 For housing developments viability will always be a significant consideration in respect of the detail of planning obligations on affordable housing. For schemes of up to 250 dwellings, where no phasing is proposed, the LPA will expect to work with the applicant to undertake a simplified baseline financial appraisal utilising a standardised viability toolkit (developed for the LPA from the 3 Dragons model). On larger developments, where phasing is proposed, where there are different characteristics within the site (such as areas of contamination), or for mixed use developments additional viability testing may be needed to support the use of the toolkit.
- 3.23 Viability issues should be considered in pre application discussions. Appraisals or assessments will need to be submitted as part of the application or preferably at the pre-application stage.

- 3.24 All costs incurred by the Council in financial appraisal and viability assessment are to be met by the applicant. This may include the commissioning of an independent financial expert and any additional costs associated with the use of the viability toolkit.
- 3.25 The LPA will liaise fully with key public sector consultees on the implications of priority and viability related decisions on planning obligations. However the final judgement on viability and the planning obligations offer rests with the LPA. The question of whether the planning obligations offer is adequate and consultee advice and evidence in that respect will be always be a key decision factor in determination of the application. Where the application has to be refused on planning obligation issues the public sector consultees involved in that decision will need to demonstrate to the LPA and the applicant that they are committed to providing high quality evidence to defend that decision at appeal.
- 3.26 Planning obligations will often need to be secured on outline applications where the final quantity of development is not known. In the case of residential development, for the purpose of assessing applications and calculating contributions, a minimum density of 30 dwellings per hectare (dph) will be assumed. For applications where the density exceeds 30 dph, calculations will be based on the proposed development density. If for any reason an application for residential development has a density of below 30 dph, all contributions will be based on how many dwellings the site could accommodate if the density were 30 dph. Affordable housing requirements for small sites may result in alternative densities being applicable to individual sites in accordance with affordable housing policy.

Cross Boundary Applications

- 3.26 Where an application site falls partly into another local planning authority area the Council will, as far as possible, work to co ordinate planning obligation requirements with that authority. If however agreement cannot be reached, the Council will seek obligations for the portion of the site that falls within the District.

Security and Timing of Payments

- 3.27 All financial contributions (other than a standard administration charge, which will be payable upon signing of the agreement or in the case of a unilateral undertaking on the grant of permission) should be paid on first implementation of planning permission, or in accordance with a programme of agreed staged payments. All payments and contributions shall be made by direct bank transfers.
- 3.28 All payment levels will be subject to an inflation factor charged at 2% on top of the Bank of England's Base Rate from the date of the completion of the obligation.
- 3.29 Payments received by the LPA or any public sector body responsible for their use will be held in a specific account so that receipts and spending can be recorded and monitored.

3.30 It should be noted that where a formula has been set for the calculation of contribution levels, any cost figures used will be updated regularly to take account of inflation and are the sums required at the time of the negotiations. Please note that this is separate to any interest charged which keeps figures up to date after the agreement has been signed.

3.31 Contributions sought on behalf of OCC will be index-linked to maintain the real values of the payments. Indexation will be applied using the formula:

$$\text{Principal Amount} \times \frac{\text{Revised Index Value}^{**}}{\text{Base Index Value}^*} = \text{Index-linked contribution}$$

* A base date for contributions is established in this Guide and within the planning obligation. Using this base date a precise value within a particular index can be found.

** The date that the contribution is indexed to will be identified within the planning obligation. This will usually be the date of payment. Using this revised date a precise value within a particular index can be identified.

3.32 The table below sets out the indices that will be used.

Table 3.2 – indices used for contributions sought on behalf of OCC

Contribution Type	Index Name	Source	Notes
Transport contributions (excluding Public Transport Services)	Baxter	The Department for Business, Innovation and Skills	This index is a composite index comprising of the following weighted indices from the Civil Engineering Formula '1990 Series': Index 1: Labour & Supervision (25%) Index 2: Plant & Road Vehicles (25%) Index 3: Aggregates (30%) Index 9: Coated Macadam & Bituminous Products (30%)
Public Transport Services Contributions	Oxfordshire County Council Public Transport Index (OPTI)	Oxfordshire County Council	This is an in-house index updated every six months which tracks bus service contract price inflation for services contracted to Oxfordshire County Council.
All other contributions	Tender Price Index of Public Sector Building (Non-Housing) PUBSEC (incorporating SE location factor)	The Department for Business Innovation and Skills	The PUBSEC index is compiled from bills of quantities of accepted tenders, forwarded from Government Departments. The Index is an indicator of the trend in accepted tender prices for constructing public sector works in Great Britain. The results are published quarterly.

3.33 Where substantial staged payments are required it may be necessary to seek a secure financial bond to ensure that once development starts public bodies responsible for infrastructure provision can be certain of recovering costs incurred.

Pooled Contributions

- 3.34 The mechanisms for obligations to be met through formula based financial contributions allow for contributions to be collected from a number of developments and pooled to support particular items of infrastructure. Where the LPA is seeking obligations in this form it will expect the contributions to be made without a specific requirement for spend and without pay back clauses that would apply in a case where contributions went unspent within a particular time period. If the necessary infrastructure provided for through pooling contributions is delivered before all the developments that are to fund it have come forward, later developers will still be required to contribute to the relevant proportion of the costs.
- 3.35 Pooled contributions will be ring-fenced to contribute to the schemes identified in relevant obligations.
- 3.36 Approaches to pooled contributions will be adjusted to reflect any decision to move to a unified levy system of contributions (see paragraphs 1.10, 1.11 and 2.2 above).

Fees and Charges

- 3.37 The legal cost of preparing the Planning Obligation will be borne by the developer/ applicant. These costs will be based on an hourly rate and will depend upon the complexity of the agreement and the length of time taken to settle the draft and proceed to completion. The reasonable legal fees will need to be met even if the planning obligation is not completed.
- 3.38 Standard unilateral undertakings will be subject to an administration charge covering legal and monitoring costs and if necessary the transfer of money to third parties.

Monitoring

- 3.39 Planning obligations often necessitate management and monitoring by the public authorities involved. The cost of this activity should be met by the applicant through the terms of the planning obligation. The LPA will apply a minimum charge of £500 for monitoring costs for a straightforward agreement. For more complex agreements, the cost of monitoring will be negotiated and will be dependent upon the specific requirements of the agreement but will normally not exceed £15000. The charge will indicate the level of payment to the LPA and to other public bodies.
- 3.40 The initial payment is due on completion of the agreement and the timing of subsequent payments are due depending on the obligations and what is sought in the agreement.
- 3.41 The cost of administrative action such as letters, reminders and site visits to secure compliance with the terms of the agreement in the event of non-compliance will also be required by the terms of the Planning Obligation.

Enforcement

- 3.42 If it is evident that the planning obligation is not being complied with the monitoring officer will instigate enforcement action. This would initially involve contacting the developer in writing to remind them of their obligations. If the sums remain unpaid the council's legal services will be instructed to take appropriate action to secure compliance with the terms of the planning obligation. This could include applying to the Court for an injunction.

Late payment

- 3.43 To ensure compliance with the obligation, appropriate clauses will be sought to add interest for the late payment of financial contributions at the rate of 4% above the base rate.

Types of Planning Obligations

- 3.44 The following topic sections identify the range of planning obligation types applicants will be asked to consider and then detail the approach the LPA will take to the various obligation types. On each topic the aim is to provide applicants with all the relevant information on the form and scale of planning obligations expected.
- 3.45 The areas identified are not exhaustive but seek to provide a guide as to when infrastructure and facilities are likely to be sought in connection with development. The guidance summarises why an obligation is necessary, the policy framework, the relevant thresholds and where appropriate, the level of financial contributions. The table at Appendix B (iii) provides a summary of the requirements.

SECTION ONE

4. Affordable Housing

4.1 Introduction

- 4.1.1 The Government believes that everyone should have the opportunity of a decent home, which they can afford, within a sustainable mixed community. This means providing a wide choice of housing to meet the needs of the whole community in terms of tenures and price ranges.
- 4.1.2 The provision of affordable housing to help meet the needs of local people is a priority for the Council and this is a key theme of the Council's Sustainable Community Strategy.
- 4.1.3 The Council has commissioned a number of studies that seek to establish the nature of housing needs in the District. It is clear that there is a present need for additional affordable housing and that this trend is likely to continue in the foreseeable future. The requirement for Affordable Housing within new residential developments will help to maintain a supply of Affordable Housing in the District.
- 4.1.4 Providing Affordable Housing may affect the layout of residential and mixed use developments and the price that developers pay for land. The following sections set out the Council's requirements so that developers can be aware at a very early stage of these and consider them when formulating development proposals together with their associated costs.
- 4.1.5 Information on the provision of affordable housing in rural areas as an exception to Development Plan Policy can be found at Appendix C (i).

4.2 Policy Framework

Local Policy

- 4.2.1 The Development Plan sets out affordable housing policies and targets. Policies cover the requirement for affordable housing on development sites and for affordable housing that incorporates extra care. The emerging Draft Core Strategy can be found at Appendix C (ii).

Cherwell Housing Strategies

- 4.2.2 Housing strategies have been prepared as part of the evidence base to inform the Development Plan policies. These are:
- The Oxfordshire Strategic Housing Market Assessment
 - Cherwell District Council Housing Needs Estimates
 - Assessing the Type and Size of Housing Stock Required in Cherwell
 - The Cherwell District Council Affordable Housing Viability Study
 - Cherwell District Council Housing Strategy
 - Cherwell's Homelessness Strategy
 - Cherwell's Temporary Accommodation Strategy
 - Cherwell's Older People's Housing Strategy

These Strategies and Studies can be found at <http://www.cherwell.gov.uk/index.cfm?articleid=3244>

4.3 Planning Obligation Requirements

Definition of Affordable Housing

4.3.1 Affordable housing is defined as follows:

Affordable housing includes social rented and intermediate housing, provided to specified eligible households whose needs are not met by the market. Affordable housing should:

- Meet the needs of eligible households including availability at a cost low enough for them to afford, determined with regard to local incomes and local house prices.
- Include provision for the home to remain at an affordable price for future eligible households or, if these restrictions are lifted, for the subsidy to be recycled for alternative affordable housing provision.

Types of Affordable Housing

4.3.2 The following types of affordable housing are generally recognised.

Social Rented Housing

4.3.3 This is rented housing owned and managed by local authorities and registered providers, for which guideline target rents are determined through the national rent regime. It may also include rented housing owned or managed by other persons and provided under equivalent rental arrangements to the above, as agreed as a condition of grant.

Intermediate Rent

4.3.4 Intermediate Rent housing is housing at prices and rents above those of social rent but below market price or rents, and which meet the criteria set out above.

Shared Ownership

4.3.5 Shared ownership is a form of shared equity under which the purchaser buys an initial share in a home from a housing provider, who retains the remainder and may charge a rent. The purchaser may buy additional shares ('staircasing'), and this payment should be 'recycled' for more affordable housing. In most cases, a purchaser may buy the final share ('staircase out') and own the whole home, though this may be restricted in some rural areas.

Shared Equity

4.3.6 Shared equity is where more than one party has an interest in the value of the home e.g. an equity loan arrangement or a shared ownership lease. There may be a charge on the loan, and restrictions on price, access and resale.

Discount Sale

- 4.3.7 Discounted sale homes have a simple discount for the purchaser on its market price, so the purchaser buys the whole home at a reduced rate. Cherwell will accept this tenure in exceptional circumstances. A calculation for units on sites where the Council considers Discount sale to be an appropriate provision can be found at Appendix C (iii).
- 4.3.8 Low cost home market housing is specifically excluded from the definition of what constitutes affordable housing provision.

Requirements and Thresholds

- 4.3.9 Development Plan requirements can be summarised as follows:
- 4.3.10 In Banbury and Bicester sites that include or are suitable for more than 10 dwellings (gross) 30% of the total provision will be affordable housing.
- 4.3.11 In Kidlington sites that include or are suitable for more than 10 dwellings (gross) will be expected to provide 35% of the total housing as affordable housing on site.
- 4.3.12 Elsewhere all sites that include or are suitable for 3 or more dwellings (gross) will be expected to provide 35% of the total housing as affordable housing on site.
- 4.3.13 The Design and Access statement accompanying an application will be expected to justify the scale of development sought for the site. In particular sites at very low densities or with large properties will be scrutinised to ensure the requirements for affordable housing are not being avoided.
- 4.3.14 Developments of 400 homes or more will be required to provide 5% of all proposed dwellings as affordable extra care homes as part of the affordable housing requirement. A further 4% will be required to be extra care homes for market sale. Information on these requirements can be found at Appendix C (v).

Off Site Payments

- 4.3.15 Where the policies would result in a requirement that a part of an affordable home should be provided, a financial equivalent value will be required for that part only. The calculation will be the same as for off-site commuted sums. This can be found at Appendix C (iv).

Tenure

- 4.3.16 The Council's policies set a district –wide tenure split for affordable housing of 70% affordable rented housing at target rents under the rent restructuring framework and 30% intermediate housing such as shared ownership, intermediate rent or in exceptional cases discount market sale. This has been set in accordance with the Cherwell District Council Housing Needs Estimates.

NB: comment for consultation: The impending changes being considered by the coalition government may mean this requirement will need to be adjusted. Work is currently being carried out to look at the impact of the new affordable rent tenure and this will be incorporated into the final version of this policy.

4.3.17 This split will be the normal policy requirement. However this may be varied according to the nature of the site or particular needs within the locality where the site is based

Size and Type

4.3.18 The provision of affordable housing units on sites will reflect identified local and district wide housing needs and contribute towards a balanced housing market and the creation of mixed, well integrated and sustainable communities.

4.3.19 The type of provision should be established through pre-application discussions. The exact mix will be determined through the Strategic Housing Market Assessment, The Housing Needs Estimate Report, Assessing the Type and Size of Housing Stock Required in Cherwell, Rural Housing Needs Surveys and current needs on the Council's Housing Register. This may include a range of needs including, general housing, temporary accommodation for homeless households, supported and specially adapted accommodation and supported or retirement housing.

4.3.20 The following mix has been determined using the Household Projections and Current Market Position Model for 2026 contained in the Blinze report 'Assessing the Type and Size of Housing Stock Required in Cherwell' which can be found at [http://www.cherwell.gov.uk/media/pdf/e/c/Assessing_the_Type_and_Size_of_Housing_Stock_Required_in_Cherwell_\(September_2009\).pdf](http://www.cherwell.gov.uk/media/pdf/e/c/Assessing_the_Type_and_Size_of_Housing_Stock_Required_in_Cherwell_(September_2009).pdf). This will guide requirements, particularly for larger schemes. This mix is for all tenure groups and may need adjusting when seeking the mix for affordable provision.

Size and Type of Dwelling	Percentage of Housing required
1 bed flats	4%
2 bed upsizing flats	8%
2 bed houses	19%
3 bed houses and larger	35%
3 bed flats/cluster homes *	2%
2 bed retirement/downsizing **	23%
1 or 2 bed Extra Care Housing	9% (5% market rent and 4% affordable)
Wheelchair adapted housing	2% (of above mix)

*It is rare we will seek provision of this type –other than for supported or student housing.

** This is to reflect the needs of an ageing population and to help free up larger family accommodation and will generally need to be designed to meet the needs and aspirations of this age group.

- 4.3.21 The Council is open to approaches that deliver affordable housing through innovative means such as self build, co-housing and community land trusts

Exempt Dwellings

- 4.3.22 The following forms of development are exempt from the affordable housing requirement.

- Hostels
- Education establishments (accommodation linked to educational facilities on site)
- Residential care/nursing homes (where accommodation is not self contained)

4.4 Negotiating, Funding and Delivering Affordable Housing

First steps in determining the affordable housing provision

- 4.4.1 These affordable housing requirements place an obligation on the developer or landowner to consider how the development can provide the required affordable housing. This should be taken account of prior to the sale or purchase of the site (or an option on a site) and reflected in the purchase price.
- 4.4.2 Applicants should make contact with the Council's strategic housing team prior to making an application to discuss the affordable housing requirements for the proposed site.
- 4.4.3 The Council will apply the policy requirements to any development in the first instance. However the Council will adopt a negotiated approach to all aspects of affordable housing delivery. If developers consider that the Council's policy requirement on affordable housing gives rise to development viability issues they will need to fully justify their reasons (see paragraphs 4.4.12 - 4.4.16 below).

Public Funding

- 4.4.4 The Council's requirements are tested through an Affordable Housing Viability Study (2009) which can be found at the following website link [http://www.cherwell.gov.uk/media/pdf/a/7/Cherwell_Housing_Viability_Study_\(19_March_2010\).pdf](http://www.cherwell.gov.uk/media/pdf/a/7/Cherwell_Housing_Viability_Study_(19_March_2010).pdf) This will be updated as necessary. This Study assesses what levels of affordable housing could reasonably be required from new developments taking account of the costs of development. This is based on there being no public funding from Social Housing Grant (see below). The assumption will be that unless there is evidence to the contrary, affordable housing will be provided with no grant.
- 4.4.5 Social Housing Grant may be available in some cases but this funding is increasingly being tested against value for money and public sector spending priorities. Local priorities for use of grant are set out in the Oxfordshire Local Investment Plan (http://www.cherwell.gov.uk/media/pdf/j/r/Oxfordshire_Local_Investment_Plan.pdf) within which schemes are prioritised for investment by their strategic

relevance to the area. Grant is only awarded where it will achieve “additionality” to what is required under planning policies. In some very limited cases the Council may be also able to provide small amounts of funding to help deliver schemes that offer “additionality”.

- 4.4.6 The only funding stream that is certain to fund new affordable housing is borrowing by Registered Providers (RPs) which can be financed by future rental income. Some RPs will also have access to cash reserves which can be used to offset the cost of the housing.

Recycling Subsidy

- 4.4.7 Appropriate safeguards should be put in place to ensure affordable housing is retained in the long term. Any capital receipts from the sale of equity shares or any other disposal of housing should be recycled to provide new affordable housing. This includes both public and private subsidy.

Private Funding

- 4.4.8 The mix of housing and tenures is very important in the interests of meeting current and future housing need and creating socially mixed and inclusive communities. Developer contributions are the main way that affordable housing is funded and provided.

Provision of affordable housing units

- 4.4.9 The District Council will normally expect the provision of affordable housing to take place without public subsidy through discounted land values.
- 4.4.10 If it is not possible to deliver the required element of affordable through discounted land values alone then the balance of any funding requirements should be met by way of internal public subsidy generated from profits from the sale of market housing on the same site
- 4.4.11 If a funding gap still exists, the developer will be required to demonstrate the viability of the scheme through the process described in 4.4.12 to 4.4.16 below.

Financial Viability

- 4.4.12 Landowners and developers are expected to take full account of the overall cost of the development including any required planning obligations and abnormal costs prior to negotiating on the sale or purchase of land. However it is recognised that some sites may be costly to develop due to a number of factors such as high abnormal costs or historic existing land use values.
- 4.4.13 Abnormal costs are defined as site conditions that could not be reasonably foreseen by a competent purchaser, having undertaken the necessary investigations.
- 4.4.14 Where viability is considered to be affected by affordable housing requirements the developer will be expected to provide information which will allow a full

understanding of the sites viability. The Council currently uses a Toolkit based on the Three Dragons model which has been designed specifically for use in Cherwell to appraise viability issues on site and to aid negotiations. The assessment will be carried out by the Council or by an independent valuer.

4.4.15 The Cherwell Toolkit provides a way of modelling the cost of and income from a development to establish the residual land value. The toolkit has data about local land values and site development costs which can be amended with developers own values. Developers can purchase the toolkit from the Council in order to provide the evidence the Council requires to be able to renegotiate the provision to be made. Other appraisal tools may be used if the Cherwell Toolkit is not appropriate for the site in question.

4.4.16 Where a site is deemed to be not viable in the provision of affordable housing to the normal requirements set out in this document a number of options will be considered:

- The provision of social housing grant
- A variation in the tenure of affordable housing to be provided
- Reduction in other planning obligation costs
- The transfer of land to the Council for direct RSL development
- Reduction in the overall numbers of affordable housing

Cascade Funding Mechanism

4.4.17 The expectation is that affordable housing of the appropriate tenure and type (in line with this document and the evidenced need for the particular location) can be provided without grant on most development sites as long as land has been purchased at the appropriate price.

4.4.18 If the scheme is not viable then the developer will be required to undertake a financial viability assessment in line with 4.4.14 above and a cascade will be established to consider the minimum level of affordable housing from the options described in 4.4.16 that can be delivered without grant

4.4.19 The developer will be expected to agree a transfer to an RP within the terms of the S106 requirements. If no agreement is reached within 6 months of a unit being completed the developer will be given a further 3 months to agree a transfer with another RP.

4.4.20 If no RP can be found then the land required for the provision of the affordable housing will be transferred to the District Council for a sum of £1

Commuted sums payments and off site provision

4.4.21 If a site is deemed suitable for housing there will be an assumption that it is also suitable for affordable housing. The preferred method of delivery is to have on site provision. Exceptionally a commuted sum payment will be accepted. This will be most usually where the calculation for affordable housing results in a part unit and so the developer will be providing a mixture of on site provision with a commuted sum. Because of the increased difficulty of using these sums to provide housing else where it is important that any sum represents parity

with on site delivery. The calculation method for commuted sums can be found in Appendix C (iv). Payments of commuted sum will be required at the commencement of the development.

4.4.22 In very exceptional circumstances the Council may consider off site provision. If a developer feels there is good reason to deliver the affordable housing off site this will need to be demonstrated by the Developer at pre-application stage by submitting the following details:

1. The proposed development itself
2. A reasoned justification for not making provision on site
3. Proposals for an alternative form of provision including an assessment of the deliverability of the proposal and a demonstration that the provision will be equivalent or better than on site provision in terms of quality and quantity.

4.5 Management and Standards

4.5.1 The Council has selected a number of RPs as preferred partners in order to work together to meet housing need in the District. A list of these partners with key contacts can be found on the Council's website (website link). These partners have signed up to a development protocol and the Council's Housing Management Standards which can be found at <http://www.cherwell.gov.uk/index.cfm?articleid=1834> Through these documents and via regular partnership and individual meetings they actively contribute towards the Council's strategic housing objectives. The Council expects developers to meet their housing obligations by working in partnership with these preferred partners. The Council will recommend an RP who may be best suited to a particular development based on the expertise of the RP or the location of the site to other stock managed by the RP. For very specialist housing such as extra care housing or other supported housing the Council may go outside its list of preferred partners and recommend an alternative specialist RP.

4.5.2 The Council has traditionally relied on close relationships with RPs to develop and manage affordable housing in the District particularly through our preferred partners. Where other RPs wish to develop in the District, the Council is committed to ensuring that a first class and local housing management service is provided for all tenants and leaseholders. It will therefore expect any organisation seeking to develop and manage housing in the District to sign up to the Council's development protocol and Housing Management Standards.

4.5.3 All affordable housing provided on sites of whatever tenure will be subject to a nominations agreement between the Council as Housing Authority and the RP as affordable housing provider. This will be appended to the planning obligation. This sets out the policy and process for how the affordable housing will be allocated. The Council requires 100% of initial lettings being nominations from its housing register and an agreed percentage thereafter. On rural sites 50% of all lettings are prioritised for applicants with a local connection.

Design and Standards

- 4.5.4 The LPA seeks high design and architectural standards on all developments and the affordable housing will be subject to the same standards. The aim will be to ensure attractive and cohesive developments where the affordable housing should be indistinguishable from the market housing adopting a tenure neutral approach.
- 4.5.5 The layout should ensure the effective management of the affordable units but also ensure the units are fully integrated into the development and not segregated from the market element. This will usually be achieved through small clusters of affordable housing with the maximum in each cluster being determined on a site by site basis but usually being between 4 and 10 units. Blocks of flats will usually be all affordable due to service charge issues.
- 4.5.6 All units should adhere to the current national social housing Design and Quality standards including the current level indicated by these standards under the Code for Sustainable Homes. All units should also be completed to the Lifetimes Homes Standard as far as possible within the confines of the site.
- 4.5.7 The Council may request higher standards of provision for mobility and wheelchair use dependent on needs and in this case these should be designed to the Habinteg wheelchair design guide 2nd Ed.
- 4.5.8 The affordable housing element of any development should provide an appropriate level of parking to normal standards unless an exceptional case is made by a partner RP that occupancy will be limited in a way that reduces parking demand (e.g. age).

Service Charges

- 4.5.9 If developments are subject to service charge this should be set so as the property remains affordable to occupants. Council will seek to set a cap on service charges which will take account of the overall affordability of living in the property and the total cost of rent and service charge should be within Local Housing Allowances. In the case shared ownership properties the total cost of mortgage, rent and service charge will be compared with the average income within the local area of the development.

5. Open Space, Sport and Recreation Facilities

5.1 Introduction

- 5.1.1 Well planned and maintained sport and recreation facilities are essential for sustainable development.
- 5.1.2 Green spaces are recognised as vital elements in providing the community with a sense of place, increased health and well being and a better quality of life. Areas of public open space offer a focal point for integrating communities and reducing social isolation, as well as allowing a safe local play area for households without a garden. Maintaining and improving open spaces is important in meeting local need in terms of providing a high quality natural environment for local residents to enjoy and promoting biodiversity.
- 5.1.3 Provision of open space does not just include formal pitches and play space but also areas of informal open space and amenity areas. Such spaces will differ from site to site as each one will relate to the nature and context of a development. They are often highly valued by residents and can make a significant contribution to the quality and local distinctiveness of a development and the environment generally. Amenity spaces linked to other open land can perform important strategic functions in providing 'green corridors' through built up areas and linking to open countryside. Thus they become important components of the District's valuable green Infrastructure that must be protected and enhanced.
- 5.1.4 This chapter sets out the background to the LPA's requirements for planning obligations relating to open space, sport and recreation facilities as a whole and specifically to on-site provision. In some cases particularly for smaller development proposals, open space sport and recreation needs can only be met off-site through financial contributions. Chapter 11 in Section 2 deals with financial contributions towards the provision of open space, sport and recreation facilities off-site.

5.2 Policy Framework

Local Policy

- 5.2.1 The Development Plan sets out the requirement for open space sport and recreation provision.

Open Space Sport and Recreation Strategies

- 5.2.2 Open Space Sport and Recreation Strategies have been prepared as part of the evidence base to inform the Development Plan policies. These are:
- Green Space Strategy
 - Playing Pitch Strategy
 - Open Space, Sport and Recreational Facilities Needs Assessment Audit and Strategy

These Strategies and Studies can be found at <http://www.cherwell.gov.uk/index.cfm?articleid=3244>

Other Council Strategies

- 5.2.3 The Cherwell Sustainable Community Strategy - Our District, Our Future forms part of the evidence base which informs the Development Plan. The relevant objective of the Strategy is to address the deficiencies in community facilities such as open spaces and sports facilities.

5.3 Planning Obligations Requirements

- 5.3.1 New development will be expected to contribute to open space, sport and recreation provision. The different types of open space, sport and recreation areas and facilities that the LPA expects to be secured through planning obligations are set out below and further defined in the Open Space, Sport and Recreational Facilities Needs Assessment Audit and Strategy.

- 5.3.2 The types of facilities are:

- Parks & Gardens
- Natural/Semi-natural Green Space
- Amenity Areas
- Children's Play Areas including:
 - a) equipped play areas,
 - b) ball courts,
 - c) outdoor basketball hoop areas,
 - d) skateboard areas,
 - e) teenage shelters and 'hangouts' and
 - f) MUGAs)
- Outdoor Sports Facilities
- Allotments

- 5.3.3 The Council endorses the NPFA approach of seeking the provision of three distinct types of children's play areas to cater for the needs of different age groups, these being LAPs or Local Areas of Play, LEAPs – Local Equipped Areas of Play and NEAPS – Neighbourhood Equipped Areas of Play. Further guidance on the size and layout of these play areas is contained in Appendices D (i) and D (ii). However this approach will not be appropriate in all circumstances and in some cases combined areas of play will be more appropriate to local circumstances. This will be negotiated on a case by case basis. However it will be essential for the combined areas of play provided to cater for all age ranges.

5.4 Local Standards (Including Provision Thresholds)

- 5.4.1 The Open Space Sport and Recreation Strategies (para 5.2.2 above) establish the current and future deficiencies in open space, sport and recreation provision together with recommendations as to how deficiencies should be met. The Strategies recommended local minimum standards of provision and these are embodied in the Development Plan and reproduced below for ease of reference in the table 5.1 below.

Table 5.1 - Local standards of provision - outdoor recreation

Type of provision	Quantitative standard	Accessibility standard	Minimum size of provision	Threshold for on-site provision
General green space (parks and gardens/ natural semi-natural/ amenity green space)	1.51 ha per 1000 urban dwellers 2.3 ha per 1000 rural/urban edge dwellers	5 minute walk (amenity open space) (400m) 15 minute walk other (1200m)	200 sq m	10 urban dwellings 6 rural/urban edge dwellings
Playspace (combining provision for younger and older children including MUGAs)	0.78 ha per 1000 people	5 minutes walk (400m) except for NEAPs 15 m walk (1200m)	LAP- 100 sq m activity zone; 400 sq m including buffer LEAP- 400 sq m activity zone; 3600 sq m including buffer NEAP- 1000 sq m activity zone; 8500 sq m including buffer	10 dwellings (for a LAP) 50 dwellings (for a LEAP and LAP) 100 dwellings for a NEAP and LEAPs/LAPs.
Outdoor sports provision (combining tennis courts, bowling greens, golf courses and playing pitches)	1.13 ha per 1000 people	10 minute walk (800m) urban areas 10 minute drive (8km) rural areas	0.12 ha	65 dwellings
Allotments	0.31 ha per 1000 people	10 minute walk (800m)	0.2 ha	275 dwellings

Thresholds

- 5.4.2 The thresholds for provision of open space, sport and recreation facilities on-site are set out in table 5.1 above. The thresholds indicate where on-site provision would normally be expected (if appropriate to local circumstances). Where on-site provision is inappropriate, or for development that falls below these thresholds, financial contributions towards off-site provision will normally be sought (please refer to paragraph 11.4, Chapter 11, Section 2).
- 5.4.3 There are also qualitative local standards for the different types of open space, sport and recreation which can be found in the Open Space, Sport and Recreational Facilities Needs Assessment Audit and Strategy (see paragraph 5.2.2 above). These standards will be taken into account in considering whether developer contributions are required for the enhancement of existing facilities.

5.5 Application of the Open Space Sport and Recreation Standards

Open Space Sport and Recreation requirements from different developments

- 5.5.1 Obligations will only be sought in cases where the proposed development will result in a net increase in demand for recreational facilities. If the development is for a purpose which is unlikely to generate demand for recreational facilities (such as nursing homes) then no contribution will be sought. Table 5.2 below gives details of specific examples in order to demonstrate whether or not a contribution is appropriate. The LPA may seek contributions from applicants for commercial development as working population increases as a result of commercial development also add to demand for facilities. People travelling into the district for work from other areas will often make use of facilities close to their place of work.

Table 5.2 - Summary of demand for open space sport and recreational facilities by development type

Type of Green space	Houses	Flats	Bedsits	Hostels	Sheltered accom	V. Sheltered accom	Care homes	Student accom
Parks and gardens	yes	yes	yes	yes	yes	no	no	yes
Natural/semi natural g/space	yes	yes	yes	yes	yes	no	no	yes
Amenity green space	yes	yes	yes	yes	yes	no	no	yes
Play provision	yes	yes	no	no	no	no	no	no
MUGAs	yes	yes	no	no	no	no	no	yes
Tennis courts	yes	yes	yes	yes	no	no	no	yes
Bowling greens	yes	yes	yes	yes	yes	no	no	yes
Golf courses	yes	yes	yes	yes	no	no	no	yes
Allotments	yes	yes	yes	yes	yes	no	no	yes
Pitches	yes	yes	yes	yes	no	no	no	yes

Requirements for contributions

- 5.5.2 On-site provision will be sought in the first instance in accordance with the minimum standards set out in table 5.2 above at paragraph 5.4.1. Further information on the Council's requirements for the design of the different types of space/facility and requirements to achieve high quality provision can be found at appendix D (ii) and D (iii).
- 5.5.3 If the proposed development results in an increase in demand for recreational facilities and the developer is not able to provide open space as part of the development, or the development falls below the thresholds and there are identified provision needs and deficiencies in the area, the LPA will seek a

financial contribution towards off-site provision. This may include contributions to improvement/enhancement of existing areas/facilities where appropriate schemes can be identified. A list of deficiencies in open space, sport and recreation and priorities by Ward can be found in the Green Space Strategy Background Document. Further information relating to financial contributions is provided in Section two, chapter 11.

- 5.5.4 Commuted sums for maintenance of the open space or facility will also be sought. This sum is based on the LPA's actual maintenance costs, to cover the future maintenance of open space, sport, recreation and play facilities, together with a sum to cover management costs calculated over a notional 15 year period. A multiplier is used in order to account for the costs which will vary over the 15 year period and the "discount effect" of a lump sum up front. The relevant commuted sums can be found at Appendix D (iv).

5.6 Timing of provision

- 5.6. The LPA's standard approach to planning obligations will be to not to permit the occupation of more than 75% of the dwellings on the development until practical completion of the open space, sport, recreation and play facilities and any supporting changing areas has been achieved and the LPA has certified in writing that the facilities have been completed and maintained in all respects to their satisfaction. In addition the unencumbered freehold of the sports pitch/courts and supporting changing area must have been transferred to the Council, along with all commuted sum contributions.

5.7 Process and procedures for applications where on site provision is required (over the thresholds in table 5.1)

Pre-application

- 5.7.1 The LPA will identify the on site open space, sport (indoor/outdoor), recreation and play provision required, and the planning obligation (including commuted sums/rates) that is required.
- 5.7.2 The LPA will identify requirements in consultation with the appropriate Parish and Town Councils. Normally Town and Parish Councils are the preferred custodians and providers of open space, play, sport and recreation facilities and they will be expected to take ownership or adopt the facilities. In exceptional cases Town and Parish Councils may not be willing or able to take ownership or adoption and in these cases the LPA will proceed on the basis that the District Council will be responsible for the long term ownership, management and maintenance after transfer.
- 5.7.3 Where possible any options for off-site provision will be identified at this stage.

Application

- 5.7.4 The same procedure for Pre-application applies. At this stage the LPA will seek the agreement of Parish and Town Councils to the concept and layout of the open space, sport (indoor/outdoor), recreation and play provision prior to the granting of planning permission. Their commitment to future ownership or adoption will also be expected.

- 5.7.5 At application stage specific proposals must be identified and defined to support preparation of planning obligation documents.

Approval of Submitted Open Space, Sport, Recreation and Play Proposals (Construction Details)

- 5.7.6 Conditions and planning obligations will require the developer to submit detailed proposals to the LPA for approval. These proposals must include detailed drawings, specifications, guarantees (transferable) and maintenance specifications to BS/EN standards. The LPA will provide formal approval to the developer once internal consultations are completed, or seek amendments to the open space, sport, recreation and play proposals, as necessary.

- 5.7.7 Approvals will be managed as follows:

- The LPA will discharge the conditions/obligations when open space, sport, recreation and play provision details are deemed acceptable by the Council.
- It is important to note that the development must not commence until there has been submitted to and approved by the LPA a scheme (including a phased programme [on large developments]) for the laying out, hard and soft landscaping and equipping of the open space, sport, recreation and play provision including, supporting changing accommodation.
- The planting, turfing and seeding to the open space, sport, recreation and play provision is to take place during the first planting season following the commencement of development [or phase of development]. The setting out of the landscaping and equipping of the open space, sport, recreation and play provision is to be in accordance with the approved scheme to the satisfaction of the LPA.
- The Developer is required to notify the LPA on the commencement and completion of the open space, sport, recreation and play provision, and must maintain the provision to its original standard for a period of twelve months following its completion, as certified by the LPA, replacing items (including surfaces) which are defective in the opinion of the LPA in accordance with the approved details contained in the scheme, and replacing any trees or shrubs which may die, are removed or become seriously damaged or diseased with others of similar size and species to the satisfaction of the LPA, The Developer is to carry on maintaining the open space, sport, recreation and play provision and supporting changing accommodation until these facilities are transferred, and to give access to the LPA's officers to enter to the area/s to carry out inspections.
- The LPA is to be notified by the developer on the commencement and completion of the open space, sport, recreation and play provision and supporting changing accommodation and the LPA will inspect the development at the following stages:
 - g) setting out,
 - h) drainage,
 - i) equipment installation,

- j) surfacing; and
- k) planting (including grass / wildflower seeding)

The developer is to ensure that a report is to be provided by a recognised body certifying that the construction is adequate for the intended use and submitted to the LPA.

Monitoring Development

- 5.7.8 The Developer is to provide an indicative timetable of on-site operations including indicative dates for the stages of construction and completion of the open space, sport, recreation and play provision to the LPA for the Council's co-ordinated monitoring of the open space, sport, recreation and play provision and supporting changing accommodation. It is necessary for the Developer to advise the LPA when the laying out of the open space, sport, recreation and play provision is taking place.
- 5.7.9 The LPA will monitor the commencement of development, compliance with conditions and planning obligations.
- 5.7.10 The LPA will endeavour to carry out inspections within 5 working days of notification by the developer at the stages listed above with the aim of ensuring that works are satisfactory, to identify remedial works when necessary and areas completed in accordance with the approved plan. Records will be kept on monitoring sheets of all inspections, and minutes of site meetings.

Enforcement (before practical completion)

- 5.7.11 The LPA will take enforcement action on conditions and obligations, should it be necessary, and will ensure good record keeping as evidence and provide expert witness statements, if required.

Practical Completion

- 5.7.12 The Developer must arrange for satisfactory Royal Society for the Prevention of Accidents (RoSPA) inspections and the subsequent reports to be forwarded to the LPA. They must also obtain transferable guarantees for equipment which must also be sent to the LPA. For natural sports pitches or courts a satisfactory post completion 'fit for purpose' report from a recognised body, such as the Sports Turf Research Institute (STRI) or a member of the Sports and Play Construction Association (SAPCA), will be required. The Developer is to provide two sets of as-built drawings for the LPA. The LPA will carry out inspections of the completed open space, sport, recreation and play provision and inform the Developer of any defects in writing. The Developer must correct the defects as soon as possible and inform the LPA's planning department when the defects have been remedied, as early as possible. The LPA will then issue certificates of practical completion, detailing outstanding items of work, copies of which to be provided to the Developer and contractor.

- 5.7.13 The Developer is to confirm to the LPA that remedial works to defects are complete. Once the LPA has inspected the remedial works and found them to be satisfactory the LPA will then confirm that all works are complete in accordance with the approved plans and the open space, sport, recreation and play provision is acceptable for adoption.
- 5.7.14 The LPA will check and revise commuted sum calculations, if required (in cases where a schedule of rates was given by the District Council and shown in the planning obligation).
- 5.7.15 The Developer must ensure that the play areas/MUGAs are opened for use once practical completion is granted. Insurance cover must be provided by developer until formal transfer by the District. The developer should provide signs at each facility providing contact details for the public to report any defects. Joint monitoring of the open space, sport, recreation and play provision by the Developer and the Council is necessary to ensure the sites are safe for use. The LPA will consider any proposed change to the twelve month liability period by the Developer and agree to any changes in writing, if appropriate.
- 5.7.16 A twelve month maintenance period is required for open space and play provision to ensure that landscape features become established prior to the areas being transferred.
- 5.7.17 On sports pitches a minimum of two years is required before transfer from the date of seeding and completion to allow for establishment of the pitches.

Final Completion

- 5.7.18 The LPA will undertake an inspection of the open space, sport, recreation and play provision one month before the expiry of the twelve month defects period. The developer is to bring the space, sport, recreation and play provision up to the adoptable standard. The developer shall also provide the LPA with a post installation inspection and safety audit from a RoSPA -approved expert for play areas and informal open space. For sports pitches or courts a satisfactory post completion report from a recognised body such as STRI or SAPCA member will be required.
- 5.7.19 If all areas are satisfactory the LPA will issue certificates of final completion to the Developer.

Transfer

- 5.7.20 The Developer will start the legal transfer to the LPA, accompanied by an appropriate contribution towards its maintenance after adoption. This contribution will normally be in the form of a commuted sum, to cover 15 years maintenance, secured through a planning obligation document.
- 5.7.21 The LPA's finance section is to set up a new accounting code for each commuted sum. This will be specifically linked to the planning application reference number. All payments are to be made to the LPA (by cheque or BACS) under the designated code with details of the application reference

number and accompanied by a breakdown of capital and maintenance contributions.

- 5.7.22 The receiving LPA's Legal Team will complete the transfer of the open space, sport, recreation and play provision to the LPA on receipt of the commuted sum. On completion of the legal transfer the LPA will take over the maintenance responsibility. The LPA will then proceed to transfer or lease the provision to the relevant town or parish council along with any commuted sum balances.

5.8 Developer Responsibilities for maintenance of open space, sport, recreation and play facilities.

- 5.8.1 The long term maintenance of open space, sport, recreation and play facilities is critical to ensure that they achieve and maintain their maximum potential benefit and value. In the case of new housing developments, the developer will be required to make provision for the appropriate amount and type of open space, sport, recreation and play provision, plus supporting changing accommodation.
- 5.8.2 The developer is to submit to the LPA management plans and maintenance schedules to ensure that the soft/green areas of open space, sport, recreation and play facilities are established successfully for the benefit of the community and biodiversity. The maintenance specification is to be written and implemented in accordance with the relevant EN/BS standards.

Maintenance of Sports Pitches

- 5.8.3 The Developer's Contractor will be responsible for the maintenance of the grass sward for 2 years from the date of practical completion. A maintenance specification is to be submitted to the LPA. This maintenance specification must comply with industry best practice.

Maintenance of Play Areas and MUGAs

- 5.8.4 The Developer's Contractor will be responsible for the maintenance of the play areas and MUGAs for 12 months from the date of practical completion. A maintenance specification is to be submitted to the LPA and must comply with industry best practice.

Maintenance of Open Space and Recreation Areas

- 5.8.5 The Developer's Contractor will be responsible for the maintenance of open space and recreation areas for 12 months from the date of practical completion. A maintenance specification is to be submitted to the LPA and must comply with industry best practice.

6. Local Community Facilities and Services On-Site

6.1 Introduction

6.1.1 Community facilities and services are required to meet a range of local needs and demands such as:

- Children's Centres
- Nurseries
- Education establishments
- Youth support services
- Community halls
- Health facilities
- Drop-in facilities for the police service or street wardens

6.1.2 This chapter sets out the Council's requirements for on-site provision of community facilities and services. More detail on the individual requirements for planning obligations is set out in Section 2. When impacts arise cumulatively from smaller scale development these are not site specific and are best addressed through standardised financial contributions.

6.2 Policy Framework

Local Policy and Strategies

6.2.1 The Development Plan identifies infrastructure requirements in the District and sets out the Council's approach to the delivery of community facility and services infrastructure to support development.

6.2.2 The Cherwell Sustainable Community Strategy - Our District, Our Future forms part of the evidence base which informs the Development Plan.

6.3 Planning Obligation Requirements

6.3.1 New major residential development will be expected to make on-site provision of community facilities and services to meet the needs generated by population growth arising from new residential developments.

6.3.2 Where a development is of a scale that necessitates a new building or facility the service providing bodies/agencies will be expected to work with the LPA and the developer to consider opportunities for the creation of joint or multi-use buildings. Opportunities to share buildings and facilities with the voluntary or faith sectors will also be explored before the planning obligations are finalised and this may influence the specification of the buildings and facilities to be provided.

6.4 Thresholds and Contributions

- 6.4.1 Please refer to the individual topic chapters in Section 2 of this document for full details of the requirements. However the on-site requirement will be as a direct result of the impact which a development scheme places on its site and surroundings. It will often necessitate the use of land on the site as well as the requirement for a developer to make a contribution towards the maintenance of facilities/buildings that are to be adopted by public bodies.

7. Sustainable Urban Drainage Systems

7.1 Introduction

- 7.1.1 Potential flooding and pollution risks from surface water can be decreased by reducing the volume and rate of water entering the sewerage system and watercourses. Sustainable urban drainage systems (SUDS) seek to manage surface water as close to its source as possible and mimic surface water flows arising from a site prior to its development.
- 7.1.1 SUDS can include infrastructure such as infiltration devices to allow water to soak into the ground; filter strips and swales; filter drains and porous pavements; and basins and ponds to hold excess water after rain and to allow controlled discharge to avoid flooding. Source control measures can also be used such as rainwater recycling.

7.2 Policy Framework

National Policy

- 7.2.1 The Flood and Water Management Act 2010 makes it a requirement for developers for all new development and redevelopment to demonstrate that they have met National Standards for the application of SUDS techniques before they can connect any residual surface water drainage to a public sewer. It removes the automatic right to connect to sewers and provides for county councils to adopt SUDS for new developments and redevelopments.
- 7.2.2 Until the National Standards referred to in the Act are published, development will be expected to comply with the Interim Code of Practice for Sustainable drainage Systems published by the National SUDS Working Group in July 2004.

Local Policy

- 7.2.3 The Development Plan encourages the use of SUDS to manage surface water run-off generated by development.

7.3 Planning Obligation Requirements

- 7.3.1 The use of SUDS is encouraged for all new development. SUDS are often integral to a development and cannot easily be accommodated within a site once a layout has been planned. As such developers should liaise with the Council and the SUDS Adopting Body (SAB) at an early stage to discuss options for an appropriate and sustainable approach to site drainage. Full details of the proposed SUDS and/or how the proposed development meets the National Standards will need to accompany planning applications.
- 7.3.2 The LPA may need to secure a planning obligation to clarify and establish appropriate mechanisms for the adoption and maintenance of the SUDS. In some instances it will be necessary to ensure that a financial bond is secured

to ensure that the SUDS is completed or that a commuted sum to fund maintenance of the SUDS by the SAB is secured.

7.4 Process

- 7.4.1 The process for approval of SUDS and their adoption can be found within the Flood and Water Management Act 2010 and the explanatory notes (http://www.opsi.gov.uk/acts/acts2010/pdf/ukpga_20100029_en.pdf).

7.5 Thresholds

- 7.5.1 All new development

7.6 Contributions

- 7.6.1 The Council will assess whether there is requirement for a financial bond or a contribution towards the maintenance of adopted sustainable drainage infrastructure on a case by case basis.

8. Nature Conservation and Biodiversity

8.1 Introduction

8.1.1 The LPA has a duty under European, national, regional and local directives, policies and guidance to protect and enhance the environment and seek sustainable development.

8.1.2 The Office for the Deputy Prime Minister (ODPM) in Biodiversity and Geological Conservation – A Guide to Good Practice has defined the categories of nature conservation and biodiversity planning obligations as:

- Avoidance: measures taken to avoid adverse impacts of change, such as locating a development away from areas of ecological interest.
- Mitigation: measures undertaken to limit or reduce adverse effects resulting from development or other change taking place including modifications, deletions or additions to the design of the development, adaptation of methods or timing or adjustments in the nature, scale or location of the project.
- Compensation: measures to offset or make up for losses caused as a result of development or other change, including residual adverse effects which cannot or may not be entirely mitigated.
- Enhancement: measures to increase the quality, quantity, net value or importance of biodiversity or geological interest.

8.2 Policy Framework

Local Policy and Strategies

8.2.1 The Development Plan sets out that planning conditions/obligations will be used to secure net gains in biodiversity by helping to deliver Biodiversity Action Plan targets and/or meeting the aims of Conservation Target Areas.

8.2.2 It also sets out that planning conditions or obligations will be used to secure biodiversity enhancement to help achieve the aims of Conservation Target Areas.

8.2.3 The South East England Biodiversity Strategy sets out Biodiversity Opportunity Areas (BOAs) within the South East. Further information on this strategy can be found at <http://strategy.sebiodiversity.org.uk/pages/our-aims.html>. Oxfordshire has the equivalent to these, Conservation Target Areas (CTAs). CTAs identify the most important areas for wildlife conservation in Oxfordshire, where it is considered that targeted conservation action will have the greatest benefit. Further information on CTAs can be found in 'Biodiversity and Planning in Oxfordshire' published by BBOWT, Oxfordshire County Council and Thames Valley Environmental Records Centre (TVERC). This document is available from www.oxfordshire.gov.uk/naturalenvironment, by clicking on the 'Biodiversity in Oxfordshire' tab.

- 8.2.4 The Oxfordshire CTAs have been identified through the Oxfordshire Conservation Target Areas Mapping Project (OCTAMP). The OCTAMP report sets out projects within the individual CTAs where conservation work is to be targeted. The project report is available from www.oxfordshire.gov.uk/naturaleenvironment, by clicking on the 'Conservation Target Areas' tab. However, a review is currently being undertaken.
- 8.2.5 The main aim within CTAs is to restore biodiversity at a landscape-scale through the maintenance, restoration and creation of Biodiversity Action Plan (BAP) priority habitats. The UK BAP describes the UK's biological resources and sets out a plan for their protection. The Oxfordshire BAP identifies priorities at a local level and is being delivered through the CTA project. The Cherwell Corporate BAP 2010-2011 sets out aims and actions, to meet the Council's biodiversity and legislation requirements, which include seeking a net gain in biodiversity when considering proposals for development by protecting, managing, enhancing and extending existing resources; and funding the organisations that co-ordinate and deliver the CTA project.
- 8.2.6 Contact details for Thames Valley Environmental Records Centre and a list of further information can be found at Appendices F (iii) and F (iv)

8.3 Planning Obligation Requirements

- 8.3.1 In exceptional circumstances the LPA may be minded to grant planning permission for a proposed development that is likely to have a direct or indirect impact on nature conservation interests. In these instances the LPA may require the retention or creation of habitat along with any necessary ecological monitoring and management, or appropriate on-site mitigation or off-site compensatory measures to lessen any adverse impacts of the development in question, through a planning obligation.
- 8.3.2 Development proposals will be expected to incorporate features to encourage biodiversity and retain and enhance existing features of nature conservation value within the site. Further advice to developers on incorporating features to encourage biodiversity is included at Appendix F (i).

8.4 Process

- 8.4.1 Applications for planning permission should be accompanied by a biodiversity survey (an Ecological Assessment or Wildlife Survey) where legally protected or priority habitats and species could be affected by the development or where it is likely that previously unrecorded biodiversity interest may be present which could be affected by the development. If the development site is in, or within a consultation zone of, an internationally, nationally or locally designated wildlife site (or geological site), an ecological (or geological) assessment will need to be submitted. Where a development is either within or adjacent to a CTA biodiversity surveys and a report identifying both constraints and opportunities for biodiversity enhancement will be required. Further information on the type of survey that might be required and what the survey will need to cover is included at Appendix F (ii).
- 8.4.2 Surveys should be undertaken and reported by competent, suitably qualified persons, under appropriate conditions. Licenses for survey or mitigation work

from Natural England may be required. Reports should detail and map important species and habitats or geological features present on the site and if they may be affected by the proposal, those nearby the development. They should describe what impacts the development would have on them, mitigation measures and any biodiversity or geological enhancements that could be made. Any losses or gains to priority habitats should be stated (hectares).

- 8.4.3 The survey and report will allow for discussion and agreement of the need for specific planning obligations for nature conservation and biodiversity at an early stage in the application process.
- 8.4.4 The LPA will expect all developments to provide mitigation or compensation projects on site in the first instance. If on-site mitigation/compensation measures are possible, the LPA may use planning obligations to secure the enhancement and appropriate long-term management of a site or feature of value for biodiversity. This could be achieved by the transfer of an area of land on site or nearby the development to an organisation which can carry out the management of the site. However financial contributions will be required to fund management work of such sites. It should not be assumed that a land transfer will be agreed and in such circumstances it will need to be retained by the applicant and appropriate management will be secured as a planning obligation.
- 8.4.5 Where on-site mitigation or compensation cannot be achieved contributions may be sought towards a scheme that closely offsets the impact of the development, and at a location as near to the development as possible, in association with the aims of the Corporate Biodiversity Action Plan (BAP) and the CTA project.
- 8.4.6 Where development directly affects a CTA, contributions as a result of planning obligations will be spent on biodiversity enhancement in that specific CTA.
- 8.4.7 All development is expected to provide enhancements to features of nature conservation value. This is in addition to any avoidance, mitigation or compensatory actions which need to be undertaken as part of a planning permission. Enhancements should normally be provided on-site, however in circumstances where on-site provision is not possible, a financial contribution will be required to provide off-site enhancements in strategic areas. Whether on-site or off-site, nature conservation enhancements should be considered as part of the initial design of the proposal and the aim of the enhancements should be to maximise benefits for the nature conservation value of the site.

8.5 Thresholds

- 8.5.1 The thresholds of development for requesting contributions towards nature conservation compensation will be decided on a case-by-case basis.

8.6 Contributions

- 8.6.1 The level of contribution will reflect the character and scope of the works required.

- 8.6.2 All development is expected to provide enhancements to features of nature conservation value. Where these cannot be provided on site a financial contribution will be sought by negotiation to provide off-site enhancements in strategic areas. This may involve enhancement to help achieve the aims of the CTAs.
- 8.6.3 Commuted sums covering 15 years maintenance of land, if it is transferred to Cherwell District Council, will also be sought for both compensation and enhancement measures. Details of commuted sums can be found at appendix D (iv).

9. Sustainable Construction

9.1 Introduction

- 9.1.1 The Council is committed to ensuring that any new development reduces CO2 emissions and reduce its Carbon Footprint by applying the Energy Hierarchy.

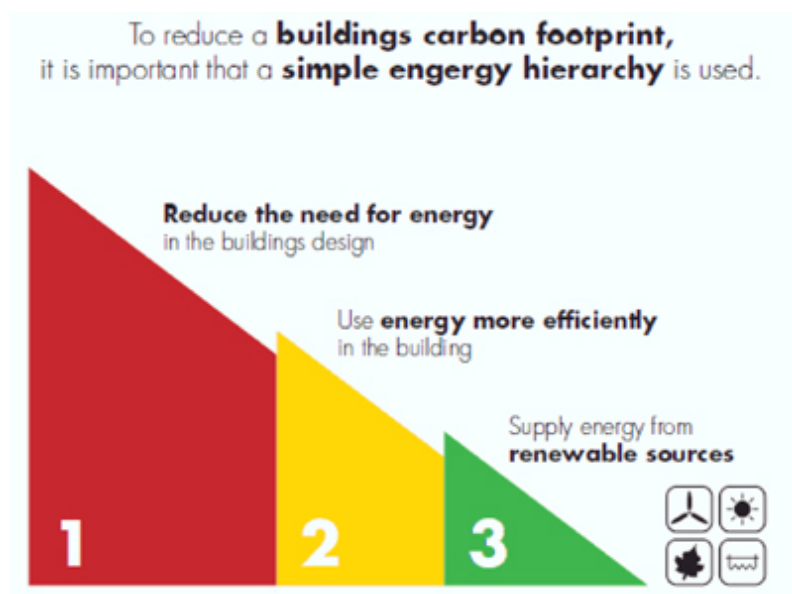


Figure 9.1 - Energy Hierarchy

- 9.1.2 To this end developers will be required to demonstrate within all new schemes how the energy hierarchy has been met within the design process and may be required to enter into a legal agreement with the Council to ensure that any building firstly reduces the need for energy, secondly uses energy more efficiently and finally deploys energy from renewable sources within their development and are appropriately managed and maintained.
- 9.1.3 The council is also committed to ensuring that new developments are well adapted for the impacts of climate change. The predicted trends are that the UK will continue to get warmer leading to hotter and drier summers with milder and wetter winters. There will be more very hot days, fewer very cold days, more frequent heavy winter rain and storms. Any new development must take account of these predictions and provide adaptive capacity through green infrastructure (such as green corridors or trees in the urban landscape), blue infrastructure (such as water bodies and sustainable drainage systems), buildings and groups of buildings, streets and ground conditions.

9.2 Policy Framework

- 9.2.1 The importance of both mitigation and adaptation is recognised in the Development Plan, the Cherwell Sustainable Community Strategy - Our

District, Our Future and the Cherwell Environmental Strategy.

- 9.2.2 The Council undertook a Renewable Energy and Sustainable Construction Study (2009) to inform the Development Plan, providing an evidence-based understanding of the local feasibility and potential for decentralised, renewable and low carbon technologies and targets/standards for decentralised and renewable or low carbon energy and sustainable construction.
- 9.2.3 All development proposals will be expected to comply with the mitigation and adaptation policies in the Development Plan.
- 9.2.4 Further detail on the LPA's requirements for sustainable construction will be explained in a Supplementary Planning Document to be prepared as part of the Local Development Framework.

9.3 Planning Obligation Requirement

- 9.3.1 All development proposals in the district (whether new build, conversion or refurbishment) are to be designed to reduce carbon emissions and use resources more efficiently. Decentralised and renewable or low carbon energy should be used where appropriate. Planning obligations may be used to secure the provision and longer-term management and maintenance of the aspects of the development required to ensure compliance with the development plan policies.

9.4 Process

- 9.4.1 Applications should be accompanied by a design and access statement that demonstrates the sustainability themes and practices that have been incorporated into the application. It is harder, and more expensive, to incorporate sustainability solutions at a later date.

9.5 Thresholds

- 9.5.1 All new development.

9.6 Contribution

- 9.6.1 In some circumstances where policy requirements cannot otherwise be met through development or design, financial contributions may be sought to achieve the policy objectives. This will be site specific and by negotiation.

10. Transport and Access

10.1 Introduction

- 10.1.1 Oxfordshire County Council is the local highway authority and responsible for the management and maintenance of the majority of adopted roads within the county.
- 10.1.2 The County Council is also the local transport authority and as such produces a Local Transport Plan and has various responsibilities for public transport. It is also the traffic authority responsible for traffic management and road safety. It has further responsibilities in relation to school transport and public rights of way.
- 10.1.3 Development brings increased pressure on the transport system. The problems arising from this pressure may show up in extra congestion, reduced safety, inadequate public transport facilities and environmental damage. As Local Planning Authority the Council works with the County Council to ensure that the impact of new development on the transport system is properly managed and that essential improvements necessary to accommodate development can be funded.
- 10.1.4 This chapter sets out the Council's requirements for the specific site related transport measures needed to deal with a new development. Chapter 19 in Section 2 covers the more general, wider ranging, transport and access impacts that arise cumulatively from smaller scale development. These are not site specific and are best addressed through standardised financial contributions.

10.2 Policy Framework

Local Policy and Strategies

- 10.2.1 The Development Plan and the Local Transport Plan identify the main transport infrastructure requirements in the District. The Development Plan sets out the Council's approach to the delivery of transport and access infrastructure to support development.
- 10.2.2 The Cherwell Sustainable Community Strategy - Our District, Our Future forms part of the evidence base which informs the Development Plan and the Local Transport Plan. The relevant objective of the Strategy is to improve accessibility and tackle congestion, partly through a shift in transport methods away from reliance on the private car towards public transport and walking or cycling.

Area Transport Studies and Strategies

- 10.2.3 Area based transport studies and strategies have been prepared to identify the transport infrastructure and service improvements needed to enable implementation of the Development Plan. The studies and strategies are based on standardised local transport modelling that takes account of the development plan trajectory for housing and employment growth. The local

authorities are committed to updating and maintenance of the studies. As a result of this the list of schemes included in the Strategies may evolve. Changes will be reflected in emerging updates to the Development Plan and Local Transport Plan.

10.2.4 The relevant transport studies and strategies in Cherwell District are:

- Banbury (Banbury Integrated Transport and Land Use Study - BanITLUS);
- Bicester (Bicester Integrated Transport and Land Use Study - BicITLUS);
- Rural areas (Cherwell Rural Areas Integrated Transport and Land Use Study - CRAITLUS)

Further information on the studies and strategies can be found at <http://www.cherwell.gov.uk/index.cfm?articleid=3244>

10.3 Planning Obligation Requirements

10.3.1 New development that is likely to create substantial and / or site specific demand for new transport infrastructure, or will overload the existing transport infrastructure and/or traffic management arrangements, will be expected to provide for measures designed to mitigate the impact.

10.3.2 For all such developments a Transport Assessment to the standards set out Department for Transport's "Guidance on Transport Assessment" (March 2007) must be undertaken by the applicant, in consultation with the planning and Highway Authorities. The Assessment must be fully considered through pre application work and then submitted with the application. The councils have created, and will maintain, transport simulation models for Banbury and Bicester (see para.10.2.4 above). The models take account of major development proposals that form part of the Development Plan or are otherwise committed. Developers may be asked to use these models to inform transport assessment work. Model runs must be funded by the applicant.

10.3.3 The type and level of any contributions towards transport infrastructure provision will be based on the information provided in the Transport Assessment.

10.3.4 Detailed technical pre-application discussions with the Oxfordshire County Council on transport assessment are essential for major developments. The development control case officer will ensure such discussions are co-ordinated with overall pre application discussion. This pre application work should determine the proper scope of the Transport Assessment at an early stage.

10.3.5 Direct infrastructure provision, financial and other contributions towards mitigating measures will be included in planning obligations managed by the local planning authority. The implementation of any physical changes to the highway network required to accommodate, or mitigate, the effects of a proposal are managed through by a highways agreement with the relevant Highway Authority. For major schemes it will be necessary to define the Highways agreements at the time planning permission is granted. In such

cases the highways agreement will be referred to in, and linked to, the planning agreement. This is to ensure certainty and transparency of implementation requirements and costs for all parties.

10.4 Threshold

10.4.1 All development.

10.5 Contributions

10.5.1 In-kind and financial contributions will be sought towards measures designed to mitigate the impact of the development on the site and its immediate surroundings. This includes both on and off site measures, such as junction improvements or pedestrian crossings and measures designed to achieve wider sustainable transport aims such as sustainable transport and travel plans and links to existing footpath/cycleway networks.

10.5.2 Additional contributions may be required towards necessary improvements to bus services and railways as a direct consequence of the development.

10.5.3 The level of contribution will be decided on a case-by-case basis reflecting the findings of the Transport Assessment and the nature and scope of the works involved. However all proposals and measures must be compatible with the general approach to transport provision set out in the Development Plan and Local Transport Plan. In some cases development may be required to contribute to acceleration in delivery of a scheme already proposed in these Plans or identified through area studies and strategies (see para.10.2.4 above).

10.5.4 The Council may require the preparation, agreement and implementation of a Travel Plan to mitigate the impact of the development on the transport system and environment. A Travel Plan is designed to influence and manage the travel behaviour of users of buildings – especially with a view to encouraging modes of travel with a lower environmental impact. This will be a standard requirement for major developments and, depending on the nature of the development, the plan may be secured either by condition or planning obligations. Travel Plans for major development will normally include targets for modes of travel to and from the site and monitoring arrangements. There will be a need for, financial commitments and incentives and / or penalties for non compliance.

10.5.5 Developments which are required to produce a Travel Plan may be subject to a Travel Plan Monitoring Fee. Whether this is required, and the level of the fee, will be agreed on a case by case basis. An additional penalty contribution may be required if the terms of a planning obligation relating to the Travel Plan are not met. This will be agreed on a case by case basis and any payments arising will contribute to transport measures in the District and will be added to a general fund for the District (under the terms of Chapter 19 Section 2 of this document).

SECTION TWO

11. Strategic Open Space, Sport and Recreation Facilities

11.1 Introduction

11.1.1 This chapter sets out the Council's requirements for contributions towards open space sport and recreation facilities off-site when on-site provision is not possible. Chapter 5 in Section One sets out the background for seeking contributions towards open space sport and recreation facilities and should be read in conjunction with this chapter.

11.2 Planning Obligation Requirements

11.2.1 New development that is likely to create the demand for open space sport and recreation facilities or overload the existing facilities will be expected to contribute towards the provision of new facilities or the improvement/expansion of existing facilities/open space.

11.3 Threshold

11.3.1 The thresholds for provision of open space, sport and recreation facilities on-site are set out in table 5.1 in Chapter 5. If the proposed development results in an increase in demand for recreational facilities and the developer is not able to provide open space as part of the development, or the development falls below the thresholds and there are identified provision needs and deficiencies in the area, the LPA will seek a financial contribution towards off-site provision. This may include contributions to improvement/enhancement of existing areas/facilities where appropriate schemes can be identified. A list of deficiencies in open space, sport and recreation and priorities by Ward can be found in the Green Space Strategy Background Document.

11.4 Contributions

11.4.1 Contributions will be derived from the open space, sport and recreation area required to support the population generated by the development multiplied by a standardised cost for the provision of each open space type. Table 11.1 below sets out the contributions required per dwelling for playspace and outdoor sports facilities.

Table 11.1 – Contribution per dwelling

	1 bed	2 bed	3 bed	4 + bed
Children's Play Space	£1155.50	£1670	£2599.89	£3574.85
Outdoor Sports Facilities	£930.56	£1344.95	£2093.76	£2878.92
Total	£2086.06	£3014.95	£4693.75	£6453.77

- 11.4.2 The appropriate contribution is calculated by reference to the expected population in the development and applying the appropriate costs of providing the facility plus commuted sums for maintenance. The relevant commuted sums can be found at Appendix D (iv). These figures are at the 2010 base rate and these will be inflated to current costs using the indices at Appendix D (iv). Where contributions are sought for the expansion or improvement of existing facilities then the costs applying to the proposed improvements will apply. The commuted sum normally required by the Council is based on the Council's actual maintenance costs, to cover the future maintenance of open space, sport, recreation and play facilities, together with a sum to cover management costs. A multiplier is used in order to account for the costs which will vary over the 15 year period and the "discount effect" of a lump sum up front.
- 11.4.3 Contributions towards the remaining types of open space will be negotiated on a case by case basis using the commuted sum figures at Appendix D (iv).
- 11.4.4 The levels of contributions will be reduced where the developer makes appropriate provision on-site of particular services or facilities.

11.5 Pooled contributions

- 11.5.6 In cases where a development falls below the thresholds for on-site provision and specific schemes have been identified for the improvement/enhancement of existing areas, contributions from developers will be pooled into a 'ring-fenced' fund. When sufficient contributions have accrued, they will be used to improve local facilities, based on the deficiencies, needs, requirements and priorities identified.

12. Cemeteries

12.1 Introduction

- 12.1.1 Cemeteries and churchyards provide areas for quiet contemplation and the burial of the dead; they can also be used to promote wildlife conservation and diversity.
- 12.1.2 New development will create a need for the provision of new or the extension of existing cemeteries to serve the local populations in some locations.

12.2 Policy Framework

Local Policy

- 12.2.1 The Development Plan addresses the overarching infrastructure requirements in the District and sets out the Council's approach to the delivery of essential infrastructure.

Open Space Sport and Recreation Strategies

- 12.2.2 Open Space Sport and Recreation Strategies have been prepared as part of the evidence base to inform the Development Plan. These are:
- Green Space Strategy
 - Open Space, Sport and Recreational Facilities Needs Assessment Audit and Strategy

These Strategies and Studies can be found at <http://www.cherwell.gov.uk/index.cfm?articleid=3244>

Other Council Strategies

- 12.2.3 Cherwell Sustainable Community Strategy - Our District, Our Future forms part of the evidence base which informs the Development Plan. The relevant objective of the Strategy is to address the deficiencies in community facilities such as cemetery provision.

12.3 Planning Obligation Requirements

- 12.3.1 New development will be expected to contribute to the provision of new, or the expansion of existing, cemeteries and their maintenance to serve the population generated by the development.
- 12.3.2 Where a development is of a scale that necessitates a new cemetery, developers will need to carry out consultation with the local population, and consider national guidance and best practice prior to design and implementation of cemeteries. Further information on the design requirements for cemeteries can be found in Appendix G (i)

12.4 Thresholds

12.4.1 This applies to all major residential development.

12.5 Contributions

12.5.1 Capacity issues have been raised in the preparation of the evidence base for the Development Plan and this has highlighted the need for additional cemetery provision in some locations. Whilst no quantitative standards for cemetery provision have been identified in the above Strategies the Green Space Strategy background document sets out factors which will be taken into account in calculating the adequacy of provision.

12.5.2 Financial contributions will be sought for land acquisition and maintenance on a site by site basis where there is an identified need and the contributions sought will be dependent upon site circumstances (e.g. ground conditions etc) and commensurate to the need generated by the development.

13. Indoor Sports Facilities

13.1 Introduction

- 13.1.1 This section provides information on the requirement for developers to contribute towards the provision of indoor, or built, sports facilities off site; on site provision is referred to in Section One Chapter 6.
- 13.1.2 Indoor sports facilities include sports halls, swimming pools, health and fitness gyms, squash courts etc. They provide a diverse offering of sports and fitness opportunities as well as creating social focal points for the community. The nature of these facilities means that they are expensive to build and maintain however, they have large catchment areas and serve a number of communities.

13.2 Policy Framework

Local Policy

- 13.2.1 The Development Plan sets out the requirements for built sports recreation and community facilities.

Indoor Sport and Recreation Facilities Assessment

- 13.2.2 An Indoor Sport and Recreation Facilities Assessment has been prepared as part of the evidence base to inform the draft Core Strategy policies. It can be found at <http://www.cherwell.gov.uk/index.cfm?articleid=3244>

Indoor Sports Facilities Study

- 13.2.3 An Indoor Sports Facilities Study has also been undertaken which updates the Indoor Sport and Recreation Facilities Assessment. It can be found at (web link)

Other Council Strategies

- 13.2.3 Cherwell Sustainable Community Strategy - Our District, Our Future forms part of the evidence base which informs the Development Plan. The relevant objective of the Strategy is to address deficiencies in community facilities such as indoor sports facilities.

13.3 Local Standards

- 13.3.1 The Indoor Sport and Recreation Facilities Assessment established the current and future deficiencies in indoor sport and recreation provision together with recommendations as to how deficiencies should be met. The Assessment recommended local minimum standards of provision and these are set out below.

Table 13.1 – Local Standards of Provision – Indoor Sports

Facility Type	Local Standard Per 1000 Population
Sports Hall	0.315 Badminton Courts
Swimming Pool	9.31m ² swimming water area
Squash Courts	0.059 courts
Health and fitness	5.28 stations
Indoor bowls	0.045 rinks
STPs	0.046 pitches
Athletics tracks	0.0012 8 lane facility

13.4 Planning Obligations Requirements

- 13.4.1 New development that is likely to create the demand for indoor sport and recreation facilities or overload the existing facilities will be expected to contribute towards the provision of new facilities or the improvement/expansion of existing facilities.
- 13.4.2 Where on-site provision is required it is expected that developers will design and gain the necessary planning approvals for the facility following the provision of a specification by the LPA. The developer will then be expected to build the facility in accordance with the approved scheme,
- 13.4.3 Further information on the process for the provision of on-site facilities can be found at appendix H (i)

13.5 Thresholds

- 13.5.1 Contributions from all residential development except care and v. care homes will be sought.
- 13.5.2 The threshold for provision of indoor sport and recreation facilities on-site is a population that supports a 4 court facility or 683m² of floorspace i.e.12648 people or 5292 dwellings if average occupancy is 2.39 per dwelling.
- 13.5.2 If the proposed development results in an increase in demand for recreational facilities and the developer is not able to provide indoor sport and recreation facilities as part of the development, or the development falls below the thresholds and there are identified provision needs and deficiencies in the area, the LPA will seek a financial contribution towards off-site provision. This may include contributions to improvement/enhancement of existing areas/facilities where appropriate schemes can be identified.

13.6 Contributions

- 13.6.1 Costs relating to the proposed improvements will be proportionate to the size or potential occupancy of the development. The levels of contributions will be reduced where the developer makes appropriate provision on-site of particular services or facilities.

13.6.2 The appropriate contribution is calculated by reference to the expected population in the development and the indoor sport and recreation facilities required to support that population multiplied by a standardised cost for the provision of the facility. These figures are at the 2010 base rate and these will be inflated to current costs where appropriate. Where contributions are sought for the expansion or improvement of existing facilities then the costs applying to the proposed improvements will apply.

13.6.3 The contributions are separated into swimming pool provision and sports hall provision.

Swimming Pool

13.6.4 There is a need for 9.31m² of swimming pool area per 1000 people or 0.0931 m² per person. The cost of construction of a new build swimming pool, using an average of Swim 25 commercial product and RICS Building Cost Information Service construction costs, would be £19,709 per m² plus land costs and VAT (at 2010). Therefore the cost per person for swimming pool provision is £183.50 plus land costs and VAT.

Sports Hall

13.6.4 There is a need for 0.315 badminton courts (sports hall) or 53.78m² per 1000 people (or 0.054m² per person). This figure is based on the area of a four court hall plus circulation, reception and changing space (683m²). The cost of construction is £1600 per m² plus land costs and VAT (at 2010). Therefore the cost per person for sports hall provision is £86.40 plus land costs and VAT.

13.6.5 Table 13.1 below sets out the contributions required by dwelling size for indoor sport and recreation. The contributions are calculated from average occupancy per dwelling figures

Table 13.1 - contributions required by dwelling size for indoor sport and recreation

	1 Bed	2 Bed	3 Bed	4 + Bed
Swimming pool	£234.88*	£339.47*	£528.48*	£726.66*
Sports Hall	£110.59*	£159.84*	£248.83*	£342.14*
Total	£345.47*	£499.31*	£777.31*	£1068.80*

*plus land costs and VAT

13.7 Pooled Contributions

13.7.1 In cases where a development falls below the thresholds for on-site provision and specific schemes have been identified for the improvement/enhancement of existing facilities, contributions from developers will be pooled into a 'ring fenced' fund. When sufficient contributions have accrued, they will be used to improve local facilities, based on the deficiencies, needs, requirements and priorities identified.

14. Community Hall Facilities

14.1 Introduction

14.1.1 Community facilities such as community centres are required to meet a range of local needs and demands. There are many community halls throughout the district which provide an important part of everyday life for large sections of the population. The Council will seek to ensure that these important facilities enjoyed by the community are provided and maintained as populations increase and where existing facilities are inadequate to ensure that the needs of an increased population are met by either provision of new facilities or improvements to existing facilities.

14.1.2 This section provides information on the requirement for developers to contribute towards the provision of community hall facilities off site; on site provision is referred to in Section One Chapter 6.

14.2 Policy Framework

Local Policy

14.2.1 The Development Plan addresses the overarching infrastructure requirements in the District and sets out the Council's approach to the delivery of essential infrastructure.

Village Halls and Community Centres Study

14.2.2 This study was carried out to audit the village halls and community halls in the District. It has enabled the council to identify a shortage of community facilities and to identify any priority areas in need of refurbishment/ improvement work ensuring that any funding is invested in the area with the greatest need. It can be found at (web link)

Other Council Strategies Plans and Surveys

14.2.3 Other Council Strategies, Plans and Surveys have been prepared and these form part of the evidence base which informs the draft Core Strategy policies. These are as follows:

- Cherwell Sustainable Community Strategy - Our District, Our Future
- Cherwell District Council Corporate Plan and Improvement Strategy 2007 – 2012
- A Recreation Strategy for Cherwell 2007 – 2012
- Cherwell District Council Survey 2009

14.3 Planning Obligation Requirements

14.3.1 New development will be expected to contribute towards community hall provision. For large development this may be through the provision of an on-

site community building if the existing community facilities are inadequate to deal with the extra demands made as a result of the development. For smaller developments contributions to fund improvements to existing halls or towards the funding of new facilities will be sought where a need has been identified.

- 14.3.2 Where on-site provision is required it is expected that developers will design, and gain the necessary planning approvals for, the facility following the provision of a specification by the LPA. The developer will then be expected to build the facility in accordance with the approved scheme. The ownership of the building/facility will be transferred to the Council following a satisfactory final inspection.
- 14.3.3 Further information on the process for the provision of on-site facilities can be found at Appendix I (i).

14.4 Local Standards

- 14.4.1 The survey carried out as part of the Village Halls and Community Centres Study identifies shortfalls in provision or the standard of village halls and community centres in the District. It has resulted in the identification of two halls/centres, one rural and one urban, that the Council is using as benchmarks for the standard that all halls and centres are expected to meet. Further details on how the standards were developed can be found in the Study.

14.5 Thresholds

- 14.5.1 Contributions from all residential development except care and v. care homes will be sought.
- 14.5.2 For applications for 1000 or more residential units on-site provision will be sought in the first instance. However even for smaller developments depending upon the proximity of existing community halls on-site provision may be sought. The size of the on-site provision will be commensurate with the scale of the development. This will be assessed on a case by case basis.

14.6 Contributions

- 14.6.1 If on-site provision is not possible, or appropriate, or where the development falls below the threshold contributions will be sought for either off-site provision or the improvement/upgrading of existing facilities where appropriate schemes can be identified. A list of deficiencies in facilities and priorities by parish can be found at Appendix I (ii). This list will be updated as and when identified deficiencies are met or priorities change.
- 14.6.2 Costs relating to the proposed improvements will be proportionate to the size or potential occupancy of the development. The levels of contributions will be reduced where the developer makes appropriate provision on-site of particular services or facilities.
- 13.6.5 The appropriate contribution is calculated by reference to the expected population in the development and the community hall facilities required to support that population multiplied by a standardised cost for the provision of the

facility. These figures are at the 2010 base rate and these will be inflated to current costs where appropriate. Where contributions are sought for the expansion or improvement of existing facilities then the costs applying to the proposed improvements will apply.

14.6.3 There is an estimated 6,818m² of village hall/community centre space within the District (at 2010), which equals 0.052m² per person (using population data from 2001 Census). In order to maintain this level of community space within the District, a standard of 0.052m² per person will be applied.

14.6.4 The cost of construction of a new build, general purpose community hall is £1,174 per m² (BCIS 2009) plus 15% professional costs (architect design fees, etc. which equals £1,350.10 per m². Therefore the cost per person for community space is £70.20.

14.6.5 Table 14.1 below sets out the contributions required by dwelling size for community hall facilities. The contributions are calculated using average occupancy per dwelling figures.

Table 14.1 - contributions required by dwelling size for community hall facilities

1 Bed	2 Bed	3 Bed	4 + Bed
£89.85*	£129.87*	£202.17*	£277.99*

*plus land costs and VAT

14.6.5 Contributions towards the maintenance of the facility will be sought. This is to cover a 15 year period following the transfer of the facility to the LPA or the relevant community association. These figures can be found at Appendix (iii)

15. Community Development

15.1 Introduction

15.1.1 The establishment of a new and sustainable community may require more than physical infrastructure to be successful. Where large numbers of people are new to an area it can take time for social links and networks to be established and for a community to emerge. Issues may also arise where an existing community has to successfully integrate a new community created by new housing developments.

15.2 Policy Framework

Local Policy

15.2.1 The Development Plan addresses the overarching infrastructure requirements in the District and sets out the Council's approach to the delivery of essential infrastructure. Funding towards Community Development staff and projects is considered to be necessary to the delivery of social and community infrastructure.

Council Strategies and Plans

15.2.2 Council Strategies and Plans have been prepared and these form part of the evidence base which informs the draft Core Strategy policies. These are as follows:

- Cherwell Sustainable Community Strategy - Our District, Our Future
- Cherwell District Council Corporate Plan and Improvement Strategy 2007 – 2012
- A Recreation Strategy for Cherwell 2007 – 2012

15.3 Planning Obligation Requirements

15.3.1 New development will be expected to contribute towards the resourcing of community development. This is to assist in the establishment of social links and networks enabling the creation of an integrated and sustainable community.

15.3.2 Contributions may be required to assist in setting up, training and establishing a community association to manage a community centre. Financial contributions may also be required to fund the development of a local community. This may include contributions towards:

- the publication of newsletters
- organising community events/activities
- assisting in starting up and promoting interest groups
- support for voluntary sector initiatives and projects
- the provision of additional street warden or similar resources

15.4 Thresholds

15.4.1 The threshold for contributions will generally be where a new community building is required to meet the needs of the new development or where the development is likely to give rise to a large new community or where there may be issues of integration with existing communities.

15.4.2 Therefore contributions will be sought from developments of 50 residential units or more.

15.5 Contributions

15.5.1 Contributions will be sought on a case by case basis but will be used to fund appropriate forms of community development work. Appendix J (i) sets out the level of contributions sought for a staff resource employed by the district, town or parish council. It details the general purpose of this type of post and the process for delivery. In addition to contributions towards a staffing resource contributions will be sought towards funding of community development projects such as organising community events and activities. Such projects are likely to require minimum funding of £20,000 (as at 2010).

15.5.2 The payment of the contribution will become due once the Community Development Officer has been appointed.

16. Refuse Bins and Recycling Banks

16.1 Introduction

16.1.1 Within a growing population and thriving economy, the Council needs to take positive action to protect its urban and rural environments and to ensure that development is, as far as possible, sustainable in environmental terms and minimises the use of land fill sites. The information below relates to contributions arising from the District Council's functions and responsibilities. Oxfordshire County Council's requirements for strategic infrastructure are dealt with later in this document.

16.1.2 The Council is committed to a strategy of minimising domestic waste sent to landfill through the development of recycling services and the reduction and reuse of materials. The LPA will seek contributions for the provision of sorting facilities to deal with domestic waste at source. Each new dwelling will be provided with appropriate containers and the collected materials will be taken away to a recycling centre.

16.2 Policy Framework

Local Policy

16.2.1 The Development Plan addresses the overarching infrastructure requirements in the District and sets out the Council's approach to the delivery of essential infrastructure.

Council Strategies and Plans

16.2.2 Council Strategies and Plans have been prepared and these form part of the evidence base which informs the draft Core Strategy policies. These are as follows:

- Cherwell Sustainable Community Strategy - Our District, Our Future
- Cherwell Environmental Strategy

16.3 Planning Obligation Requirements and Contributions

16.3.1 Every residential dwelling requires:

- 1 X blue wheeled bin for the collection of dry recyclable material (£20) at the current* size of 240 litre
- 1 X green wheeled bin for collection of residual waste (£20) at the current size of 240 litre
- 1 X brown wheeled bin for the collection of garden and food waste material (£20) at the current size of 240 litre
- 1 X brown kitchen caddy for the collection of food waste (£4) and transferral into the brown garden and food waste bin

(*January 2011, the Council may decide to change the size of the bins, please contact 01295 221940 Environmental Services Department for further information).

16.3.2 Where blocks of flats are proposed, waste collection should be through the use of communal collection containers or through provision of individual bins held in a communal location.

16.3.3 Communal bins stores should not be provided for groups of houses unless they are serviced by a private road. Communal bins should be housed in a covered storage area and the following issues should be taken into account: -

- stores should be no more than 5 metres from the kerbside or point where the vehicle would stop (vehicle access has to be proven rather than assumed)
- to provide sufficient space for residents to deposit their waste, a minimum of 1m must be provided in front of the containers
- where more than one bin is to be placed in a storage area, the bins must be positioned so that they can be easily accessed without users having to move other bins. In short they must not be ranked or more than one deep
- a door or gate of a minimum opening of 1600mm should also be provided. Smaller doors for residents use can be provided in addition to this requirement
- doors should open outwards, but not over the public highway or parking spaces
- a path leading from the kerbside to the bin store should be provided, with a minimum width of 1.5m. The path should be level or a gentle slope and should not contain steps
- stores should not be behind gates or security barriers that would prevent them being emptied
- the structure must be robust enough to withstand everyday use
- stores should not be behind designated parking bays or require the movement of containers past or through legally parked cars
- communal bin compounds should be far enough away from housing units so as to reduce the impact of noise during bin use and collection but sufficiently close for easy use. Eliminating the need for collection vehicles to reverse will also assist in keeping noise to a minimum
- dropped kerbs should be provided.

16.3.4 Bin storage areas should be a minimum 1.8 square metres per dwelling for houses/bungalows and 1.4 square metres per dwelling for flats or multi occupancy properties.

16.3.5 Local recycling banks or 'bring sites' shall be provided for recyclables not separated in domestic waste collection, such as glass, batteries, small electrical items (WEEE) and clothing. Recycling banks must include at least:

- 2 Green glass banks

- 1 Brown glass bank
- 1 Clear glass bank
- 1 Textile bank
- 1 Household battery bank
- 1 WEEE bank

16.3.6 Recycling banks (bring sites) are required to serve approximately every 1,000 dwellings. For residential developments a financial contribution towards the capital cost of providing collection banks shall be sought. Recycling banks (bring sites) currently require the provision of 7 containers at a cost of £500 each. This equates to a cost of £3.50 per dwelling.

Table 16.1– Refuse & Recycling bins and bring site contribution

Developments between 1 and 199 dwellings/flats	£64 for bin provision and £3.50 towards recycling banks per unit
Developments over 200 dwellings/flats	£64 for bin provision per unit and on-site provision of a recycling bank including provision of land and capital cost of silo provision.

16.3.7 Where on-site contributions are required if this cannot genuinely be provided, a financial contribution equivalent to the cost of providing and equipping a local bring site shall be paid to the Council.

16.3.8 Refuse and recycling bin contributions will be sought on occupation of new dwellings. The provision of recycling bring sites will be sought as early in the development as possible to serve the residents of the development.

17. Public Art

17.1 Introduction

17.1.1 Public Art can play an important role in enhancing the character of an area, enriching the environment and improving the overall quality of space. It can help to establish an identity for an area making it memorable and providing useful landmarks, particularly if it draws inspiration from local themes or associations.

17.1.2 Public Art can take many different forms and encompass a variety of approaches and mediums, such as:

- Landmark artwork such as site specific sculpture, painting or installation;
- A temporary work such as performance, time based media projection, or sound installation;
- Functional elements such as bridges, benches, lighting and signage and street furnishings; and
- Linked education programmes such as artist talks and artist led community engagement or school projects;

17.1.3 The Arts Council for England encourages the development of Public Art through Planning Obligations and supports the pooling of contributions to provide schemes that will benefit the whole community.

17.2 Policy Framework

Public Art Policy

17.2.1 The Council has produced a Public Art Policy (adopted 5 February 2007) which provides guidance on the inclusion of contributions for Public Art as part of Section 106 Agreements that are fair and reasonable in light of development proposal and broadly in line with the Percent for Art principle advocated by the Arts Council England. The Policy is supported by the aims of the Sustainable Community Strategy and seeks to promote community involvement in public art through working with professional artists and crafts people and engaging local people in the design process to help define the unique and distinctive identity of the area.

17.3 Planning Obligation Requirement

17.3.1 Public art planning obligations are applicable to both residential and commercial developments.

17.3.2 As well as including the more traditional areas of public art such as sculptures, the public art sought can also encompass a wide range of features for example:

- Specialist treatment of a building

- Provision of decorative hard and soft landscaping over and above that already provided as part of the general landscaping of the site
- Interpretation of a specific site or place
- Provision of space for artistic use
- Major landmark or urban design features
- Street furniture

17.4 Process

17.4.1 The provision of Public Art should be an integral part of a development scheme, not an after thought. The Council wishes, therefore, to work in partnership with developers, architects, landscape architects and designers, including artists and arts officers, at an early stage of the development process to identify and work up possibilities for art provision. The artists, where appropriate, should work in consultation with the people who will be affected by the site and the installation and facilitate a sense of meaningful contribution.

17.4.2 Further information on the procedures for securing public art is set out in the Public Art Policy which can be found at:
http://www.cherwell.gov.uk/media/pdf/s/n/ADOPTED_PUBLIC_ART_POLICY.pdf.

17.4.3 The flow chart at Appendix K (i) sets out the process for securing public art.

17.5 Thresholds and Contribution

17.5.1 The contribution for art provision that the LPA will seek will vary depending upon the size and nature of the scheme but it is suggested that the figures and thresholds in the table below are reasonable base figures. The charges are supported by the Council's adopted Public Art Policy.

17.5.2 For residential development of less than 25 units and non-residential development of less than 100 m² developers are expected to explore artistic additions to the development by seeking to employ local artists and crafts people in the construction of features within the site such as signage, gates and door furniture which contribute to the public realm. No financial contribution will be required.

Table 17.1: Contribution Requirements for Public Art

Residential: 25 – 500 units	£150 per unit + management fee (dependant on project) + maintenance fee for 12 year period (approx. 7% of the value of the artwork per year)	Include public art as an integral part of the proposal. Contributions could be pooled to support projects in the local area.
Non-residential (Commercial / leisure / public buildings / mixed use development): 100 m ² . – 999 m ² or 0.5ha or more	£100 per m ² + management fee (dependant on project) + maintenance fee for 12 year period (approx. 7% of the value of the artwork per year)	Include public art as an integral part of the proposal. Contributions could be pooled to support projects in the local area

Residential: 500+ units	£150 per unit + management fee (approx. 5% of the contribution but not less than £1500) + maintenance fee for 12 year period (approx. 7% of the value of the artwork per year)	On-site provision of public art. An artist is to be appointed as part of the design team and public art included as an integral part of the proposal.
Non-residential (Commercial / leisure / public buildings / mixed use development): 1000+ m ² or 0.5ha or more	£100 per m ² + management fee (approx. 5% of the contribution but not less than £1500) + maintenance fee for 12 year period (approx. 7% of the value of the artwork per year)	On-site provision of public art. An artist is to be appointed as part of the design team and public art included as an integral part of the proposal.

17.5.3 Contributions will be negotiated in 2 stages; the cost of the provision of the art and the management fee as required. The management fee will be negotiated on a site by site basis and only be required when the Council runs the project.

17.5.4 The management fee will include costs born by the Council associated with the following:

- Developing and creating the project and the artists briefs
- Advertising and long listing for artists
- Interviewing and contracting artists
- Budget monitoring
- Administrating and facilitating the steering group meetings
- Overseeing and managing the artist in the design, approval, construction and installation of the work of art

17.5.5 A commuted sum for maintenance will also be required where the ownership of artwork is to pass to the Council and is on land to be adopted by the Council. It will include the costs associated with monitoring, repairs and maintenance over a 15 year period.

18. Public Realm

18.1 Introduction

18.1.1 Public Realm relates to all those parts of the built environment, either publicly or privately owned, located between and within buildings that are publicly accessible such as all streets, squares, and other rights of way as well as open spaces and parks, watercourses and canals. High quality of design and good management of the public realm is essential in creating successful and vibrant places and help to integrate new development into the surrounding area.

18.2 Policy Framework

Local Policy

18.2.1 The Development Plan sets out the Council's requirements in relation to achieving improvements to the public realm through new development.

18.3 Planning Obligation Requirements

18.3.1 Contributions will be sought towards the creation and/or enhancement of public realm features in the vicinity of new development and from which the proposed development would benefit.

18.4 Thresholds

18.4.1 All major new development is expected to contribute where there are public realm projects in the vicinity from which the proposed development would benefit.

18.5 Contributions

18.5.1 The level of financial contribution will reflect the character and scope of the works required and will be negotiated on a case-by case basis.

18.5.2 A list of potential public realm projects that contributions may be sought towards is included at Appendix L (i). This list will be updated as new projects are programmed.

19. General Transport and Access Impacts

19.1 Introduction

19.1.1 This chapter sets out the Council's requirements to deal with the general impact of developments on the wider transport network, where it is not possible to make a direct link to provision of site specific infrastructure. This approach is designed to mitigate impacts that often arise because of the cumulative effects of small scale development. It therefore covers requirements that can only be sensibly addressed through a general financial contribution to planned transport and access measures that will be undertaken by public authorities at some time during the plan period. Where site specific transport requirements are dealt with in bespoke planning obligations there will be no requirement for general financial contributions under this Chapter. Chapter 10 in Section One sets out the overall background for seeking contributions towards transport and access infrastructure and should be read in conjunction with this Chapter.

19.2 Policy Framework

19.2.1 Area based transport studies and strategies have been prepared to identify the transport infrastructure and service improvements needed to enable implementation of the Development Plan and Local Transport Plan, (see Section 1 Chapter 10 above for details). The studies and strategies are based on detailed local transport simulation models that take account of the development plan trajectory for housing and employment growth. The local authorities are committed to updating and maintenance of the studies. As a result of this the list of schemes included in the Strategies may evolve. Changes will be reflected in emerging updates to the Development Plan and Local Transport Plan.

19.3 Planning Obligation Requirements

19.3.1 Development that is likely to create general demand for new transport infrastructure, or overload the existing transport infrastructure and/or traffic management arrangements, off-site will be expected to contribute to future measures (to be undertaken by public authorities) designed to mitigate the impact.

19.4 Threshold

19.4.1 Development of a single dwelling, or any non residential floorspace, or change of use needing planning permission, will be regarded as having a general impact on transport and access infrastructure. Residential extensions and alterations will be disregarded.

19.5 Contributions

19.5.1 Contributions will be calculated as follows:

- The table below sets out a standard charge per dwelling and per unit of floorspace at current (2010) prices

Total cost of development plan / local transport plan schemes (district wide over plan period)	Total number of dwellings planned for in the plan period residential development	Adjustment for proportion of development programme not likely to be subject to site specific transport and access planning obligations	Per dwelling charge	Per floorspace unit (every 1000 m ²) of non residential development
£.....Million (figure to be provided / agreed with County and evidenced)	11800 (indicative local housing requirement to 2026)	X 0.25 (25%)	As an idea from current SPOG : £9000 for both studies divided by 2 to average = £4500 x 2 trips x 0.25 = £2250	£2250

- The standard charge has been calculated by taking the total estimated cost of transport and access schemes planned in the District (and detailed in the studies referred to above) and then dividing that cost by the number of dwellings being planned for over the current Development Plan period. It is then assumed that the general contributions from development not dealt with in site specific planning obligations (see section 1) need to contribute 25% of the expected cost per dwelling. This calculation is based entirely on the level of residential development planned, but the contribution rates arising are also used for employment development on the basis that the level of residential development can be used as a proxy for associated growth in economic activity and development.
- Charge rates will be inflated using standard indices at the point of charging (see Table 3.2 Chapter 3).

19.5.2 Contributions received will be held by the Local Planning Authority in a fund until they can be used to support implementation of planned highway and transport schemes within the District. The contributions will not be allocated to a specific scheme or subject to time limits on usage. Schemes will usually be implemented by the local Highway Authority but may need to be undertaken by relevant national agencies or by other public or private parties under appropriate agreements.

20. Education (Primary, Secondary, Sixth Form, Special Educational Needs)

20.1 Introduction

20.1.1 Providing appropriately located education infrastructure to serve new residential development is an important element in achieving sustainable communities. Oxfordshire County Council (OCC) as the Children's Services Authority (CSA) has a statutory duty to ensure that sufficient schools are available for providing primary and secondary education in Oxfordshire. It is important that education places are available within a reasonable travel distance for all those of school age occupying new residential development.

20.2 Policy Framework

Local Policy and Strategies

20.2.1 The Development Plan identifies infrastructure requirements in the District and sets out the Council's approach to the delivery of education infrastructure to support development.

20.2.2 Cherwell Sustainable Community Strategy - Our District, Our Future forms part of the evidence base which informs the Development Plan. The relevant objective of the Strategy is to offer high quality education, support and opportunities to young people and families to achieve suitable and appropriate qualifications to enable them to realise their ambitions.

20.3 Planning Obligation Requirements

20.3.1 New residential development will be expected to contribute towards the provision of education infrastructure to meet the needs generated by population growth arising from the development where there is not enough spare capacity in existing schools that are well located to serve the development. This may include financial contributions and/or the provision of land and buildings to enable new schools to be provided or for existing schools to be extended. (See Chapter 6 Local Community Facilities and Services On-Site)

20.3.2 Contributions may be required to provide for:

- primary school facilities for 4-10 year olds (7 year groups);
- secondary school facilities for 11-15 year olds (5 year groups);
- sixth forms for 16-17 year olds (2 year groups);
- special educational needs facilities.

If appropriate contributions may be sought for school facilities which cover slightly different age ranges such as infant & junior school or 14 -19 facilities.

20.3.3 Contributions towards employment training/apprenticeships may also be sought in respect of major residential and non-residential developments. The need for funding will be assessed on a case by case basis.

- 20.3.4 Decisions as to whether or not there is sufficient capacity in a school are made with reference to current and forecast numbers on roll and school capacity. Empty places at a school do not necessarily equate to there being excess capacity at that school.
- 20.3.5 In circumstances where it is not possible to provide school places within a reasonable walking distance an additional contribution towards the cost of providing transport for children to school may be required. The contribution would reflect the cost of providing the transport for a defined period of time.

20.4 Threshold

- 20.4.1 This requirement will apply to all urban and rural residential developments which are likely to generate demand for school places. Contributions will not be sought towards educational infrastructure from developments of studio or one-bed dwellings, institutional accommodation exclusively for undergraduate students or from sheltered/elderly housing and other specialist housing developments where children will not reside.

20.5 Contributions

- 20.5.1 Contributions for educational infrastructure will be calculated by multiplying the net increase in the forecast number of pupils (of the appropriate age) moving into the new housing by the “cost per pupil” of the required additional infrastructure.
- 20.5.2 An assessment is made of the likely number of primary (4-10 year old), secondary (11-15 year olds) and sixth form (16-17 year old) pupils arising from the development using the Oxfordshire 2008 Survey of New Housing. The results of the survey are used in a forecasting tool which takes account of the mix and tenure of the dwellings proposed.
- 20.5.3 A reduction of 15% is applied to the estimated number of primary and secondary children to take account of pupils who will be educated in the independent sector.
- 20.5.4 It is recognised that not all children will remain in CSA maintained schools into the sixth form. We assume a stay on rate of 75% into the 1st year of post 16 education and 77% (of the 75%) into the second year.
- 20.5.5 Overall based on the current number of children being educated in Special Educational Needs (SEN) schools in Oxfordshire 1.02% of the estimated pupils will need to be educated in a SEN school (the majority of pupils with a statement of special educational needs are educated in “mainstream” schools).
- 20.5.6 Table 20.1 below sets out the standard cost per pupil of providing an extension to an existing facility as at 2010. These costs will be inflated at cost at the year of grant of planning permission using agreed indices. The standard cost will be used unless there is a specific scheme cost. The figures are from the Department for Education (DfE) which are adjusted for Oxfordshire using the DfE published location factors and an additional element is added for ICT costs and fire suppression systems (sprinklers). Pupils in SEN facilities are educated

in smaller groups and have a higher level of accommodation needs. The cost of extending SEN facilities of £30,828 per pupil is based on previous extensions carried out in Oxfordshire.

Table 20.1 – Cost per pupil for extensions to existing facilities

	Cost Per Pupil (excluding ICT & Sprinklers)	Cost per pupil for ICT	Cost per pupil for sprinklers	Total cost per pupil for extensions (1Q 09)
Primary	£10,116	£ 1,170	£ 354	£ 11,640
Secondary	£15,332	£ 1,675	£ 537	£ 17,544
Sixth Form	£16,417	£ 1,675	£ 575	£ 18,667
SEN				£ 30,828

20.5.7 For small scale residential development a single standard calculation by pupil yield per dwelling for extensions to existing facilities will be applied as follows:

Table 20.2 – Contribution per dwelling for extensions to existing facilities

	1 Bed	2 Bed	3 Bed	4 + Bed
Primary	0	£1979	£4605	£6494
Secondary	0	£1579	£4035	£6140
Sixth Form	0	£187	£560	£1307
Total	0	£3745	£9200	£13941

20.5.8 If a development creates all or part of the need for a new school a different level of contributions reflecting the actual estimated cost for the new school or part thereof will be applied. Where the development substantially necessitates a new school, developers will be expected to provide at nil cost to the education provider a suitable site (both in terms of size and location) which is fully serviced, fully decontaminated and remediated. The costs of providing and equipping a new school including playing fields/sport facilities will be calculated by reference to the county council's adopted primary and secondary school briefs together with relevant government advice. These requirements will be negotiated on a site by site basis.

20.5.9 Tables 20.3 and 20.4 below indicate the likely costs of new educational infrastructure as at 2010. These costs will be used as a standard and inflated to cost at the year of delivery or grant of planning permission using agreed indices.

Table 20.3 – Primary schools

Size of School	Number of Pupils aged 4-10 accommodated	Cost Excluding Land & Abnormals	Price Base	Minimum Gross External Site Area (Hectares)
1 Form Entry	210	£ 5,019,000	1Q 09	1.34
1.5 Form Entry	315	£ 6,432,000	1Q 09	1.81
2 Form Entry	420	£ 7,951,000	1Q 09	2.22

Table 20.4 - Secondary schools

Type of School	Number of Pupils accommodated	Cost Excluding Land & Abnormals	Price Base
Secondary (11-17)	900	£ 22,165,000	1Q 09
Secondary (11-17)	1200	£ 28,677,000	1Q 09

21. Children's Centres and Nursery Provision

21.1 Introduction

- 21.1.1 Local authorities have a duty to improve the well-being of young children in their area and to ensure that early childhood services are provided in an integrated and accessible way that maximises the benefits to children and their parents.
- 21.1.2 This chapter sets out the detailed requirements for planning obligations for children's centres and nursery provision. Chapter 6 Section 1 sets out the general requirements for on-site provision of community facilities and services.

21.2 Policy Framework

Local Policy and Strategies

- 21.2.1 The Development Plan for Cherwell District identifies infrastructure requirements in the District and sets out the Council's approach to the delivery of children's centre and nursery infrastructure to support development.
- 21.2.2 Cherwell Sustainable Community Strategy - Our District, Our Future forms part of the evidence base which informs the Development Plan. The relevant objective of the Strategy is to offer high quality education, support and opportunities to young people and families to achieve suitable and appropriate qualifications to enable them to realise their ambitions.

21.3 Planning Obligation Requirements

- 21.3.1 New development will be expected to contribute towards the provision of either new or expanded children's centres and nurseries to meet the needs generated by population growth arising from new residential developments.
- 21.3.2 Children's Centres are one stop shops for all parents of young children under 5 years of age. They provide a range of services which vary according to the centre but may include:
- Child care and education for children from birth until they start school;
 - Child and family health services including antenatal classes;
 - Support for parents – advice on parenting, access to specialist services for families;
 - Helping parents into work
- 21.3.3 The Government requires local authorities to provide a free nursery place to every child following their third birthday. Children are likely to be accommodated through a mixture of council, voluntary and private provision. Where the number of nursery aged pupils generated by a development cannot be accommodated within existing nursery provision, contributions towards the capital costs of providing additional public sector capacity may be sought.

21.4 Threshold

21.4.1 This applies to all residential developments which are likely to generate demand for children’s centre and nursery infrastructure. Where there is no spare capacity in existing facilities. Contributions will not be sought towards such infrastructure from developments of institutional accommodation exclusively for undergraduate students or from sheltered/elderly housing.

21.5 Contributions

21.5.1 The need for contributions towards children’s centre and nursery infrastructure will be assessed on a case by case basis but an indication of the needs for and the costs of provision of children’s centres is provided below.

21.5.2 Based on completed projects around Oxfordshire a new “graduated” children’s centre typically costs about £400,000 excluding land (@1Q 09). A typical children’s centre will serve the need arising from 800 children under the age of 5 and their families. Expressed as a cost per child aged 0-4 the cost equates to £500 (£400,000 ÷ 800)

21.5.3 For small scale residential development a single standard calculation per dwelling will be applied as follows:

Table 21.1 – Contribution per dwelling

1 bed	2 bed	3 bed	4 + bed
£15	£80	£180	£205

22. Integrated Youth Support Service

22.1 Introduction

22.1.1 Facilities made available through the youth support service form an important part of the education system. Oxfordshire County Council runs services for young people through young people's centres which have a wide variety of uses and provide a focal point in communities for young people. They are used to provide information and a menu of personal and educational opportunities for young people.

22.1.2 This chapter sets out the detailed requirements for planning obligations for integrated youth support services. Chapter 6 Section 1 sets out the general requirements for on-site provision of community facilities and services

22.2 Policy Framework

Local Policy and Strategies

22.2.1 The Development Plan addresses the overarching infrastructure requirements in the District and sets out the Council's approach to the delivery of essential infrastructure including youth support services.

22.2.2 Cherwell Sustainable Community Strategy - Our District, Our Future forms part of the evidence base which informs the Development Plan. The relevant objective of the Strategy is to offer high quality education, support and opportunities to young people and families to achieve suitable and appropriate qualifications to enable them to realise their ambitions.

22.3 Planning Obligations Requirements

22.3.1 New development will be expected to contribute towards the provision of additional integrated youth support service infrastructure to meet the needs generated by population growth arising from new residential developments without detriment to the users of existing facilities.

22.4 Thresholds

22.4.1 This applies to all residential development which is likely to generate demand for integrated youth support infrastructure. Contributions will not be sought towards such infrastructure from developments of institutional accommodation exclusively for undergraduate students or from sheltered/elderly housing.

22.5 Contributions

22.5.1 The need for contributions towards integrated youth support infrastructure will be assessed on a case by case basis.

22.5.2 Where improved facilities are needed to mitigate the impact of the development contributions will be sought based on multiplying the net increase in people aged 13 - 19 by the cost per person aged 13 - 19 to provide the additional infrastructure. It is estimated that a new youth centre providing 235sqm of accommodation will cost £600,000 to build excluding land (price base 1Q 09). A centre of this scale would provide for a catchment population of approximately 3,000 people aged 13 - 19.

22.5.3 Therefore the cost per person aged 13 – 19 years for integrated youth support infrastructure is likely to be £200 (£600,000 /3,000).

22.5.4 To give an indication of the contribution which may be necessary to satisfactorily address the impacts of proposals the cost per person multiplied by the average number of people per dwelling to give the contributions per dwelling is shown below.

Table 22.1 – Contribution per dwelling

1 bed	2 bed	3 bed	4 + bed
£2	£12	£54	£106

23. Libraries

23.1 Introduction

23.1.1 Libraries are important to the cultural and social infrastructure of communities, backing up educational provision for school children, students and lifelong learners. They also promote social inclusion, helping to bridge the gaps in access to information. Library services in Oxfordshire are currently delivered by a mixture of static library provision (including the central library, key locality libraries and local libraries), the mobile library service and via ICT.

23.1.2 Oxfordshire County Council, as a public library authority, has a statutory duty under the Libraries and Museums Act 1964 (section 7 (1)) to “provide a comprehensive and efficient library service for all persons desiring to make use thereof”.

23.2 Policy Framework

Local Policies and Strategies

23.2.1 The Development Plan addresses the overarching infrastructure requirements in the District and out the Council’s approach to the delivery of essential infrastructure such as library facilities.

23.2.2 Cherwell Sustainable Community Strategy - Our District, Our Future forms part of the evidence base which informs the draft Core Strategy policies. The relevant objective of the Strategy is to ensure the social infrastructure grows at the same rate as our communities and current deficiencies in provision are addressed including affordable housing, community buildings, open spaces, cultural and leisure opportunities.

23.3 Planning Obligation Requirements

23.3.1 New development will be expected to contribute towards the provision of additional library infrastructure to meet the needs generated by population growth arising from new residential developments.

23.4 Thresholds

23.4.1 This applies to all residential developments.

23.5 Contributions

23.5.1 Contributions for library infrastructure will be calculated using a formula based on the adopted standard of providing 23 m² of publicly available library floor space per 1,000 head of population, i.e. 0.023 m² per person. An additional 19.6% backroom space to enable the library to function will also be required.

23.5.2 An average of two items of stock (books, audiovisual material etc) per head of population should be provided in any new extension/facility at a cost of £10 per item. The cost per m² for extending premises is based on tendered extensions within Oxfordshire. Therefore:

Adopted space	Build cost per m ²	Two items of book	
standard per	(£2,384 per m ²)	stock per person	= £86 per
person	= £65.56	(2 x £10 = £20)	person
(0.023 m ²)			
+ 19.6 %			
= 0.0275m²			

23.5.3 To give an indication of the contribution which may be necessary to satisfactorily address the impacts of proposals the cost per person multiplied by the average number of people per dwelling to give the contributions per dwelling is shown below:

Table 23.1 – Contribution per dwelling

1 bed	2 bed	3 bed	4 + bed
£110	£159	£248	£341

23.5.4 Where contributions are towards a bespoke costed facility then a different build cost per m² may apply.

23.5.5 Oxfordshire’s large student population use the public library service as well as the university and college facilities. The number of full-time students is expected to rise, and therefore so are the demands on the public libraries. Taking into account the education facilities and the student’s period of residence in a year, we consider a reduced contribution towards improving library infrastructure is appropriate from developers of purpose built student accommodation. Contributions at 75% of the standard per person rate will be sought. Therefore:

Student Accommodation Contribution (@ 75% of £86) = £65 per student place.

24. Day Care Provision for the Elderly

24.1 Introduction

24.1.1 Oxfordshire County Council provides day services through a network of resource centres and day centres across the county. The centres provide a range of facilities for older people to enable them to live independently in their own homes and communities for as long as possible.

24.2 Policy Framework

Local Policy and Strategies

24.2.1 The Development Plan addresses the overarching infrastructure requirements in the District and sets out the Council's approach to the delivery of essential infrastructure such as facilities for day care for the elderly.

24.2.2 Cherwell Sustainable Community Strategy - Our District, Our Future forms part of the evidence base which informs the draft Core Strategy policies. The relevant objective of the Strategy is to provide support for older people to ensure they can live independently for as long as possible and appropriate facilities and care are delivered.

24.3 Planning Obligation Requirement

24.3.1 Contributions will be sought from new residential development towards the capital cost of improved provision of and access to day and resource centres for the elderly where it is expected that new development would place an extra demand upon the service which cannot be accommodated within existing facilities and will be to meet the needs generated by population growth arising from the new development.

24.4 Threshold

24.4.1 This applies to residential developments. Contributions will not be sought towards such infrastructure from developments of institutional accommodation exclusively for students.

24.5 Contributions

24.5.1 Contributions towards the provision of expanded and improved day care facilities will be calculated based on the demands arising from the population aged 65 years and older and the cost of providing increased day care provision including the cost of travelling to day and resource centres.

24.5.2 Based on previously completed projects a new day centre including the initial provision of a minibus serving the centre costs approximately £1,100,000

excluding land (price base 1Q 09). A new day centre would usually provide 40 places per day for day care users. This equates to £27,500 (£1,100,000 ÷ 40) per daily place. The average day service user makes 2 visits a week and most day centres are open 5 days a week. Therefore the cost per new day service user is £11,000 ((£27,500 x 2) ÷ 5).

24.5.3 Based on current and predicted usage figures it is estimated that 10% of the over 65 population use day centre or resource centre facilities. Therefore the cost per person aged 65 years or older for day centre infrastructure is £1,100 (£11,000 x 0.10).

24.5.4 To give an indication of the contribution which may be necessary to satisfactorily address the impacts of proposals the cost per person multiplied by the average number of people per dwelling to give the contributions per dwelling is shown below:

Table 24.1 – Contribution per dwelling

1 bed	2 bed	3 bed	4 + bed
£165	£187	£242	£220

25. Adult Learning

25.1 Introduction

25.1.1 The Adult Learning Service offers a wide range of educational and recreational courses to cater for all ages and abilities. The courses are provided in a variety of settings including schools, community buildings and purpose built adult learning centres.

25.2 Policy Framework

Local Policy and Strategies

25.2.1 The Development Plan addresses the overarching infrastructure requirements in the District and sets out the Council's approach to the delivery of essential infrastructure such as education facilities.

25.2.2 Cherwell Sustainable Community Strategy - Our District, Our Future forms part of the evidence base which informs the draft Core Strategy policies. The relevant objective of the Strategy is to raise expectations and ambitions and provide a range of economic opportunities for everyone including lifelong learning and retraining.

25.3 Planning Obligation Requirements

25.3.1 New development will be expected to contribute towards the improvement/extension of existing adult learning facilities, and where necessary provide new facilities, to adequately address the increased needs generated by population growth arising from new residential developments.

25.4 Thresholds

25.4.1 This applies to residential developments. Contributions will not be sought towards such infrastructure from developments of institutional accommodation exclusively for students.

25.5 Contributions

25.5.1 Contributions towards adult learning will be calculated by multiplying the likely number of new users for the service by the cost per user to provide Adult Learning infrastructure.

25.5.2 A new adult learning centre providing two classrooms, a reception area and backroom space is estimated to cost £439,000 to build excluding land (price base 1Q 09). A centre of this scale can provide around 13,500 learning sessions per annum (each student is expected to attend at least 10 sessions).

25.5.3 Therefore a two classroom Adult Learning Centre is expected to provide for 1,350 Adult learners per annum. This equates to a cost of £325 per person that takes up adult learning. ($£439,000 \div 1,350$)

25.5.4 Of the adult (20+) population a take up rate for Adult Learning of 5% per annum based on current usage rates for Oxfordshire is assumed. This equates to a cost of £16 per person over the age of 20 ($£325 \times 0.05$).

25.5.5 To give an indication of the contribution which may be necessary to satisfactorily address the impacts of proposals the cost per person multiplied by the average number of people per dwelling to give the contributions per dwelling is shown below:

Table 25.1 – Contribution per dwelling

1 bed	2 bed	3 bed	4 + bed
£20	£24	£30	£39

26. Museum Resource Centre

26.1 Introduction

26.1.1 Oxfordshire County Council's museum service provides a central Museum Resource Centre (MRC) at Standlake in West Oxfordshire. The MRC performs a number of roles:

- It provides safe and controlled conditions to store exhibits;
- It provides essential support to museums and schools throughout Oxfordshire for educational, research and leisure activities;
- It provides exhibitions for the county museums and provides collections on request to numerous small community museums and groups;
- it also provides key conservation advice and training for both amateurs and small museums to look after their objects and collections.

26.2 Policy Framework

Local Policy and Strategies

26.2.1 The Development Plan addresses the overarching infrastructure requirements in the District and sets out the Council's approach to the delivery of essential infrastructure such as museum resource facilities.

26.2.2 Cherwell Sustainable Community Strategy - Our District, Our Future forms part of the evidence base which informs the draft Core Strategy policies. The relevant objective of the Strategy is to ensure that the social infrastructure grows at the same rate as communities and current deficiencies in provision are addressed including affordable housing, community buildings, open spaces, cultural and leisure opportunities.

26.3 Planning Obligation Requirements

26.3.1 The MRC is operating at capacity and needs an extension to meet the demands arising from further development throughout the county. An extended facility will provide additional storage space and allow for increased public access to the facility.

26.4 Thresholds

26.4.1 All residential development

26.5 Contributions

26.5.1 An extension to the MRC to mitigate the impact of new development up to 2026 has been costed at £485,000. £85,000 has already been secured towards the

extension from previous development proposals leaving £400,000 to be secured from future development.

26.5.2 Using the South East Plan targets for residential development in Oxfordshire up to 2026 and discounting residential permissions and completions between 1st April 2006 and 31st March 2009 we estimate that approximately 35,000 dwellings would be permitted and built up to 2026.

26.5.3 Assuming an average occupancy of 2.39 people per dwelling this equates to a cost per person of £4.78 ($£400,000 \div (35,000 \times 2.39)$).

26.5.4 To give an indication of the contribution which may be necessary to satisfactorily address the impacts of proposals the cost per person multiplied by the average number of people per dwelling to give the contributions per dwelling is shown below:

Table 26.1 – Contribution per dwelling

1 bed	2 bed	3 bed	4 + bed
£6.11	£8.84	£13.76	£18.92

27. Public Rights of Way (PRoW)

27.1 Introduction

- 27.1.1 The Highway Act 1980 places a responsibility on the county council, as the local highways authority, to protect footpaths, bridleways, restricted byways and byways which together constitute public rights of way.
- 27.1.2 PRoW are important recreational assets for walkers, cyclists and equestrians and, particularly on the urban fringe, offer a means of access to the local countryside as well as providing for everyday journeys. It is important that the amenity value of PRoW, as well as their character and utility, is preserved and, where possible, enhanced.

27.2 Policy Framework

Local Policies and Strategies

- 27.2.1 The Development Plan addresses the overarching infrastructure requirements in the District and sets out the Council's approach to the delivery of essential infrastructure such as PRoW.
- 27.2.2 Cherwell Sustainable Community Strategy - Our District, Our Future forms part of the evidence base which informs the draft Core Strategy policies. The relevant objective of the Strategy is to ensure the social infrastructure grows at the same rate as our communities and current deficiencies in provision are addressed including affordable housing, community buildings, open spaces, cultural and leisure opportunities.

27.3 Planning Obligation Requirements

- 27.3.1 The LPA may be minded to grant planning permission for a proposed development that is likely to have a direct or indirect impact on PRoW. In these instances developers will need to ensure PRoWs are appropriately incorporated within new developments so that there is no damage to PRoW nor impact on users of the PRoW through a planning obligation.
- 27.3.2 As part of the development proposals developers will need to ensure that the link with the surrounding PRoW network, to public transport routes and to local services is enhanced.
- 27.3.3 The LPA may seek to secure contributions through a planning obligation towards the maintenance of PRoW in new development sites or towards the alteration/improvement of existing PRoW links to new development sites.

27.4 Thresholds

- 27.4.1 Any development of any size requiring planning permission from the local planning authority and which is expected to have an impact on PRoW

27.5 Contributions

- 27.5.1 The LPA will assess development proposals on a site by site basis and any request for planning obligations for the provision of new links and/or improvement of the existing PRow network will be made in the light of the vision and aims of the Oxfordshire Rights of Way Improvement Plan and associated documents, and guided by Circular 05/05.

28. Strategic Waste Management

28.1 Introduction

- 28.1.1 Oxfordshire County Council (OCC) as the Waste Disposal Authority (WDA) has a statutory duty under the Environmental Protection Act 1990 (Section 51 (1)) “to arrange –
- (a) for the disposal of the controlled waste collected in its area by the waste collection authorities; and
 - (b) for places to be provided at which persons resident in its area may deposit their household waste and for the disposal of waste so deposited”.
- 28.1.2 OCC is jointly responsible with the district councils for the recycling of household waste. It has direct responsibility for the provision and management of the county’s strategic waste recycling centres (WRCs).

28.2 Policy Framework

Local Policies and Strategies

- 28.2.1 The Development Plan addresses the overarching infrastructure requirements in the District and sets out the Council’s approach to the delivery of essential infrastructure such as library facilities.
- 28.2.2 Cherwell Sustainable Community Strategy - Our District, Our Future forms part of the evidence base which informs the draft Core Strategy policies. The relevant objective of the Strategy is to ensure the social infrastructure grows at the same rate as our communities and current deficiencies in provision are addressed including affordable housing, community buildings, open spaces, cultural and leisure opportunities.

28.3 Planning Obligation Requirements

- 28.3.1 Contributions will be sought from new residential development towards extending and improving the WRC network in Oxfordshire to meet the needs of the increasing population.

28.4 Thresholds

- 28.4.1 This applies to residential developments. Contributions will not be sought towards such infrastructure from developments of institutional accommodation exclusively for students or from sheltered/elderly housing

28.5 Contributions

- 28.5.1 OCC currently has 8 sites serving the 242,000 households in the county generating in the region of 1.5m householder visits per annum. It is estimated that a new site serving 20,000 households will cost in the region of £3 million

pounds (1Q 09). Assuming an average occupancy of 2.335 people per dwelling this equates to a contribution per person of £64 ($\text{£}3,000,000 \div (20,000 \times 2.33)$).

28.5.2 To give an indication of the contribution which may be necessary to satisfactorily address the impacts of proposals the cost per person multiplied by the average number of people per dwelling to give the contributions per dwelling is shown below:

Table 28.1 – Contribution per dwelling

1 bed	2 bed	3 bed	4 + bed
£82	£118	£179	£253

29. Fire and Rescue

29.1 Introduction

29.1.1 The County Council, in its capacity as the fire and rescue authority has a statutory duty to ensure that all development is provided with adequate water supplies for fire fighting. We also have various statutory requirements and prescribed standards of fire cover to meet. These are set out in the Fire and Rescue Services Act 2004.

29.2 Policy Framework

Local Policy and Strategies

29.2.1 The Development Plan addresses the overarching infrastructure requirements in the District and sets out the Council's approach to the delivery of essential infrastructure such as fire and rescue services.

29.2.2 Cherwell Sustainable Community Strategy - Our District, Our Future forms part of the evidence base which informs the Development Plan.

29.3 Planning Obligation Requirements

29.3.1 Contributions will be sought from new residential and commercial development towards fire and rescue infrastructure to meet the needs of the increasing population.

29.3.2 Any new development can increase demands on the fire and rescue service both by extending an area of fire risk, and increasing the level of fire risk in an area. New development also creates more road users which can slow down the fire & rescue service's response times to incidents.

29.4 Thresholds

29.4.1 This applies to all residential and commercial development.

29.5 Contributions

29.5.1 The LPA will seek a financial contribution towards the improvement or extension of existing infrastructure where appropriate schemes are identified on a site by site basis.

29.5.2 Contributions may be sought towards:

- The need to acquire land and the capital costs of buildings and associated facilities for the provision of new, relocated or extended fire stations;
- The provision of new vehicles to provide effective emergency cover;
- The provision of emergency access arrangements;

- Securing access to water to meet fire-fighting needs (hydrants and appropriate water mains with adequate pressure to supply them).

and will be sought on the basis of costed improvements.

30. Health

30.1 Introduction

- 30.1.1 The Oxfordshire Primary Care Trust (PCT) currently commissions National Health Service primary healthcare throughout the District. Whilst it is recognised that the PCT will cease to exist the evidence of need for enhanced health provision to meet the needs of the expanding population will remain. New development will put pressure on existing health facilities, and therefore it is necessary to ensure that a satisfactory level of health service provision is maintained throughout the District and that facilities are appropriately located near to where people live.

30.2 Policy Framework

Local Policy and Strategies

- 30.2.1 The Development Plan addresses the overarching infrastructure requirements in the District and sets out the Council's approach to the delivery of essential infrastructure. Funding towards health care is considered to be necessary to the delivery of social and community infrastructure.
- 30.2.2 Cherwell Sustainable Community Strategy - Our District, Our Future forms part of the evidence base which informs the draft Core Strategy policies. The relevant objective of the Strategy is to maintain and develop health services that directly address health inequality and which enable residents to access services and information in order to lead healthy lives.

30.3 Planning Obligation Requirements

- 30.3.1 New residential development will be expected to contribute towards the provision of additional health care infrastructure to meet the needs generated by population growth arising from new residential developments where there is not enough spare capacity in existing facilities that are well located to serve the development. This may include financial contributions and/or the provision of land and buildings to enable the provision of doctor's surgeries and associated health facilities to serve the local populations (see Chapter 6 Local Community Facilities and Services On-Site) or the upgrading or extension of existing facilities in some locations.
- 30.3.2 Contributions will be used towards funding/provision of off-site facilities or the improvement/upgrading of existing facilities where appropriate schemes can be identified. A list of surgeries and their capacity can be found at Appendix M (i) and this list will be updated when necessary.

30.4 Thresholds

On site provision

- 30.4.1 A new facility would not normally be required unless a need is generated for 4 or more whole time equivalent (WTE) GPs and then only if other nearby practices lack the capacity to expand. The average list size for a (WTE) GP is approximately 1838 patients nationally and 1866 in Oxfordshire. A new facility therefore would only be sought on site for a development generating around 7,352 new residents or more.

Financial contributions

- 30.4.2 On smaller residential development sites and where the new development increases demand on existing facilities, the need for new provision is likely to be replaced by extending the existing facilities.

30.5 Contributions

- 30.5.1 The LPA will seek a financial contribution towards the improvement or extension of existing facilities where appropriate schemes are identified on a site by site basis.
- 30.5.2 In cases where specific schemes have been identified for the improvement/extension of existing facilities, contributions from developers will be pooled into a 'ring-fenced' fund. When sufficient contributions have accrued, they will be used to improve local facilities, based on the deficiencies, needs, requirements and priorities identified by the PCT or their replacement.
- 30.5.3 Guidance has been developed on the appropriate sizes for general medical services (GMS) accommodation. These sizes are based on the number of GPs expected to practice from the premises and therefore, using the average list sizes per GP, the number of patients who can be provided for can be calculated.
- 30.5.4 Using this information and known development costs it is possible to estimate the cost of provision of the additional floorspace made necessary by new development. The additional floorspace required at an existing surgery per additional GP is approximately 118 m². The cost of provision is approximately £2621 per m² (information on how these figures are arrived at is set out in appendix 30 C).
- 30.5.5 The calculation of the cost per patient is as follows:

Floor space per GP x Cost of floorspace per m² = Cost of GP
(or 118m² X £2621 = £309,278)

$$\frac{\text{Cost of GP}}{\text{GP average list size}} = \text{Cost per patient}$$

(or $\frac{\underline{\pounds 309,278}}{1838} = \pounds 168.27$)

Based on the above formula the cost of primary healthcare facilities equates to £168 per person/patient.

- 30.5.6 To give an indication of the contribution which may be necessary to satisfactorily address the impacts of proposals the cost per person multiplied by the average number of people per dwelling to give the contributions per dwelling is shown below:

Table 30.1 – Contribution per dwelling

1 bed	2 bed	3 bed	4 + bed
£215	£311	£484	£665

- 30.5.7 As primary care practices are run as independent businesses an appropriate mechanism is needed to ensure that any facilities paid for by developer contributions remain in community use for at least 15 years. As such any funds secured towards the provision of extensions/improvements or new facilities will be the subject of an agreement with the individual practices.
- 30.5.8 Any practice that benefits in this manner will be required to repay the funds if the practice does not continue for 15 years after the facilities have been provided.

31. POLICE

31.1 Introduction

- 31.1.1 Local authorities are under a statutory duty (S17 of the Crime & Disorder Act 1998) to consider crime and disorder reduction in the exercise of all their duties.

31.2 Policy Framework

Local Policy and Strategies

- 31.2.1 The Development Plan addresses the overarching infrastructure requirements in the District and sets out the Council's approach to the delivery of essential infrastructure for public services.
- 31.2.2 Cherwell Sustainable Community Strategy - Our District, Our Future forms part of the evidence base which informs the Development Plan. The relevant objectives of the Strategy are to reduce the number of people who fear crime and feel unsafe in their area, tackling incidences of anti-social behaviour and building confidence in the police and local authority.

31.3 Planning Obligation Requirements

- 31.3.1 New development will be expected to contribute towards the provision of additional on site infrastructure. The Council and its community safety partners may also seek financial contributions towards area-based initiatives to help reduce crime and disorder.

31.4 Threshold

- 31.4.1 This applies to all major residential and commercial development.

31.5 Contributions

- 31.5.1 Requirements and contributions will be assessed on a site by site basis when a specific need or item of infrastructure is identified.
- 31.5.2 The costs relating to the proposed infrastructure items or area-based initiatives will be applied proportionately to the size or potential occupancy of the development.
- 31.5.3 Where premises requirements arise, such as a drop-in facility or office to serve the specific needs of the development, the joint use of existing or newly provided community buildings (including education) and facilities will be the normal method of provision.

32 Air Quality

32.1 Introduction

32.1.1 The planning system has a key role to play in determining the location of development that may give rise to pollution, and in ensuring that other developments are, as far as possible, not affected by existing, or potential poor air quality.

32.2 Policy Framework

National Strategies and Guidance

32.2.1 The National Air Quality Strategy requires local authorities (LA) to review and assess the current and likely future air quality in their areas. Where a LA considers that one or more of the air quality objectives, as prescribed in regulations, is unlikely to be met within a prescribed timescale it must declare an air quality management area (AQMA), covering the area where the problem is expected. It must then draw up an action plan setting out the measures it intends to take in pursuit of the air quality objectives in the area.

32.2.2 Planning Policy Statement 23: Planning and Pollution Control Annex 1 states that any air quality consideration that relates to land use and its development is capable of being a material planning consideration.

Local Strategies and Plans

32.3.3 Cherwell Sustainable Community Strategy - Our District, Our Future forms part of the evidence base which informs the Development Plan.

32.3 Planning Obligations Requirements

32.3.1 Planning obligations may be used to implement measures to offset any increases in local pollutant emissions, and/or make an appropriate financial contribution towards improvement measures or air quality monitoring.

32.3.2 The following mitigation measures may be required:

- Measures during the construction of new development including dust control, site monitoring and plant emissions;
- Improved access to public transport;
- The provision of on and off site facilities for cycling and walking;
- The management of car parking;
- Traffic management;
- Road infrastructure;
- Green Travel Plans;
- Monitoring of air pollution

32.3.2 Financial contributions may also be appropriate for cumulative developments, particularly where further study is required to assess potential cumulative air quality impacts arising from a number of developments in close vicinity.

32.4 Thresholds

32.4.1 All new development within or immediately adjacent to Local Air Quality Management Areas.

32.5 Contributions

32.5.1 As the main impact on air quality is vehicles, the Council will calculate the contribution sought based on the scale of the development and the trip generation for different uses.

32.5.2 The standard national source for trip generation is the TRICS database (Trip Rate Information Computer System). The calculations for Cherwell are:

Use	Average Peak Hour Vehicular Trips
Urban Residential	0.5
Rural Residential	0.55
Commercial rates per 100 m ² gross floor area	1.425

32.5.3 When an Air Quality Action Plan is approved the actions arising from the Plan will be costed. These costs will then be directly related to trip generation and any financial contributions will be calculated on this basis.

32.5.4 A list of Local Air Quality Management Areas and the actions arising from the Action Plans can be found at appendix N (i). This list will be updated as and when identified actions are met or priorities change.

33. Strategic Flood Defence

33.1 Introduction

- 33.1.1 All forms of flooding and their impact in the natural and built environment are material planning considerations. A strategic flood defence scheme is proposed to reduce the risk of the River Cherwell flooding Banbury and to reduce impacts on downstream communities.

33.2 Policy Framework

Local Policy and Strategies

- 33.2.1 The Development Plan states the Council's commitment to the delivery of a flood defence scheme for Banbury.
- 33.2.2 The Cherwell and West Oxfordshire Level 1 Strategic Flood Risk Assessment sets out in more detail the need for the scheme.

33.3 Planning Obligation Requirements

- 33.3.1 Where it is considered that development is likely to benefit from the strategic flood defence scheme or exacerbate existing flood risk developers will be expected to contribute towards the provision and maintenance of strategic flood defences.

33.4 Threshold

- 33.4.1 This applies to all major residential and commercial development.

33.5 Contributions

- 33.5.1 Financial contributions will be applied on the basis of the cost of implementing the strategic flood defence scheme and/or commuted sums towards covering a proportion of the costs of maintaining the flood defences. Requirements and contributions will be assessed on a site by site basis where it is considered that the development is likely to benefit from the strategic flood defence scheme or exacerbate flood risk.

Appendix A

Appendix A - Background Documents

- Affordable Housing Viability Study (Three Dragons 2009)
- Assessing Type and Size of Housing Stock Required in Cherwell (B.Line Housing Information, 2009)
- Banbury Integrated Transport and Land Use Study (BANITLUS) (<http://www.cherwell.gov.uk/index.cfm?articleid=3244>)
- Bicester Integrated Transport and Land Use Study (BICITLUS)
- Biodiversity and Planning in Oxfordshire' (BBOWT, Oxfordshire County Council and Thames Valley Environmental Records Centre (TVERC)).
- Cherwell District Council Corporate Plan and Improvement Strategy 2007 – 2012
- Cherwell District Council Draft Core Strategy
- Cherwell District Council Environmental Strategy
- Cherwell District Council Housing Strategy
- Cherwell District Council Public Art Policy
- Cherwell District Council A Recreation Strategy for Cherwell 2007 – 2012
- Cherwell District Council Sustainable Community Strategy - Our District, Our Future (http://www.cherwell.gov.uk/media/pdf/s/t/Sustainable_Community_Strategy.pdf)
- Cherwell District Council Survey 2009
- Cherwell District Council Village Halls and Community Centres Study
- Cherwell Rural Areas Integrated Transport and Land Use Study (CRAITLUS) (August 2009)
Final Report –
(http://www.cherwell.gov.uk/media/pdf/j/h/CRAITLUS_Stage_2_Final_Report_with_Figures.pdf)
- Appendices –
(http://www.cherwell.gov.uk/media/pdf/l/e/CRAITLUS_Stage_2_Final_Appendices_with_Figures.pdf)
- Cherwell and West Oxon Strategic Flood Risk Assessment (Level 1) (May 2009):
Main Document & Appendix A & E - L
([http://www.cherwell.gov.uk/media/pdf/9/b/Cherwell_and_West_Oxfordshire_S_FRA_\(April_2009\)_Including_Appendix_A__E_-_L.pdf](http://www.cherwell.gov.uk/media/pdf/9/b/Cherwell_and_West_Oxfordshire_S_FRA_(April_2009)_Including_Appendix_A__E_-_L.pdf))
Appendix B –
(http://www.cherwell.gov.uk/media/pdf/s/b/Appendix_B_CDC_Settlement_Maps_-_1.pdf)

Appendix B Part 2 –

http://www.cherwell.gov.uk/media/pdf/i/c/Appendix_B_CDC_Settlement_Maps_-_2.pdf

- Circular 05/2005
(<http://www.communities.gov.uk/documents/planningandbuilding/pdf/147537.pdf>)
- Community Infrastructure Levy
(http://www.opsi.gov.uk/si/si2010/draft/ukdsi_9780111492390_en_1)
- Environmental Strategy for a Changing Climate (May 2007)
(http://www.cherwell.gov.uk/media/pdf/4/4/Environmental_Strategy.pdf)
- Floods and Water Management Act 2010
(http://www.opsi.gov.uk/acts/acts2010/pdf/ukpga_20100029_en.pdf)
- Government Planning Policy Guidance Notes and Statements 1 – 25, various dates and Supplements to PPS1 Planning and Climate Change (2007) and PPS3 Delivering Affordable Housing (2006)
(<http://www.communities.gov.uk/planningandbuilding/planningsystem/planningpolicy/planningpolicystatements/>)
- Green Space Strategy (July 2008)
([http://www.cherwell.gov.uk/media/pdf/5/m/Green_Space_Strategy_-_Background_Document_\(July_2008\).pdf](http://www.cherwell.gov.uk/media/pdf/5/m/Green_Space_Strategy_-_Background_Document_(July_2008).pdf))
- Housing Needs Estimate 2008 (B.Line Housing Information)
- Housing Needs Estimate 2009 (B.Line Housing Information)
- Oxfordshire Conservation Target Areas Mapping Project Report
(www.oxfordshire.gov.uk/naturalenvironment)
- Oxfordshire County Council Planning Obligations Guidance for Landowners and Developers (Draft, June 2010)
- Planning and Compensation Act 1991
(http://www.opsi.gov.uk/acts/acts1991/Ukpga_19910034_en_1.htm)
- Planning Act 2008
(http://www.opsi.gov.uk/acts/acts2008/ukpga_20080029_en_1)
- Playing Pitch Strategy (July 2008)
([http://www.cherwell.gov.uk/media/pdf/6/n/Playing_Pitch_-_Background_Document_\(July_2008\).pdf](http://www.cherwell.gov.uk/media/pdf/6/n/Playing_Pitch_-_Background_Document_(July_2008).pdf))
- PPG17 Assessment - Indoor Sports and Recreation Facilities Assessment (August 2006)
([http://www.cherwell.gov.uk/media/pdf/m/9/Indoor_Sports_and_Recreations_Facilities_Assessment_\(PMP\)_ \(August_2006\).pdf](http://www.cherwell.gov.uk/media/pdf/m/9/Indoor_Sports_and_Recreations_Facilities_Assessment_(PMP)_ (August_2006).pdf))
- PPG17 Assessment - Open Space, Sport and Recreational Facilities Needs Assessment Audit and Strategy (July 2006)
(http://www.cherwell.gov.uk/media/pdf/p/7/Open_Space_Sports_and_Recreati)

[onal Facilities Needs Assessment and Audit Strategy - PMP \(July 2006\).pdf](#)

- Renewable Energy and Sustainable Construction Study (September 2009)
([http://www.cherwell.gov.uk/media/pdf/l/i/Renewable Energy and Sustainable Construction Study \(September 2009\).Pdf](http://www.cherwell.gov.uk/media/pdf/l/i/Renewable_Energy_and_Sustainable_Construction_Study_(September_2009).Pdf))
- South East England Biodiversity Strategy
(<http://strategy.sebiodiversity.org.uk/pages/our-aims.html>).
- Strategic Housing Land Availability Assessment (SHLAA) Methodology
([http://www.cherwell.gov.uk/media/pdf/9/l/Strategic Housing Land Availability Assessment Methodology.pdf](http://www.cherwell.gov.uk/media/pdf/9/l/Strategic_Housing_Land_Availability_Assessment_Methodology.pdf))
- Strategic Housing Market Assessment (December 2007):
Full report
[http://www.cherwell.gov.uk/media/pdf/7/6/Oxfordshire Housing Market Assessment - Final Report \(December 2007\).pdf](http://www.cherwell.gov.uk/media/pdf/7/6/Oxfordshire_Housing_Market_Assessment_-_Final_Report_(December_2007).pdf))
Summary
([http://www.cherwell.gov.uk/media/pdf/8/2/Oxfordshire Housing Market Assessment - Summary Report \(December 2007\).Pdf](http://www.cherwell.gov.uk/media/pdf/8/2/Oxfordshire_Housing_Market_Assessment_-_Summary_Report_(December_2007).Pdf))
- Town and Country Planning Act 1990
(http://www.opsi.gov.uk/acts/acts1990/ukpga_19900008_en_1)

Appendix B

Appendix B (i)

Unilateral Undertaking Process

In cases where obligations dealing with standard financial contributions, are sought, the LPA will encourage developers to provide a unilateral undertaking. For more complicated obligations applicants should submit a unilateral undertaking for the financial contributions (i.e. those appearing in section two of the SPD) and draft an agreement using the model agreement form (web link) for the other obligations, such as affordable housing.

A standard form of unilateral undertaking is provided at (web link) and this should be completed and submitted along with the following documents to accompany the planning application.

- An application site plan.
- In the event of registered land; Land Registry title documentation and including a title plan that covers the entire application site (these **MUST** be official and up to date copies obtained directly from the Land Registry, unofficial copies will not be accepted); **or**,
- In the event of unregistered land; a certificate of title with accompanying plan, duly signed by a solicitor.
- A covering letter confirming that our relevant admin charges (covering legal and monitoring costs and transferring contributions to third parties such as OCC) will be met.

If the standard form is not used the Council will seek an additional fee to cover the legal costs of checking the unilateral undertaking.

Completion of a unilateral undertaking does not guarantee that the planning application will be approved. The application is subject to the normal consultation and determination processes and will need to comply with development plan policies. Failure to submit the completed unilateral undertaking, along with the relevant fee to cover the admin costs, within the statutory 8/13 week period may result in the application being refused.

Financial contributions are to be paid on the granting of planning permission by direct bank transfers. The payment is to be made by BACS to:

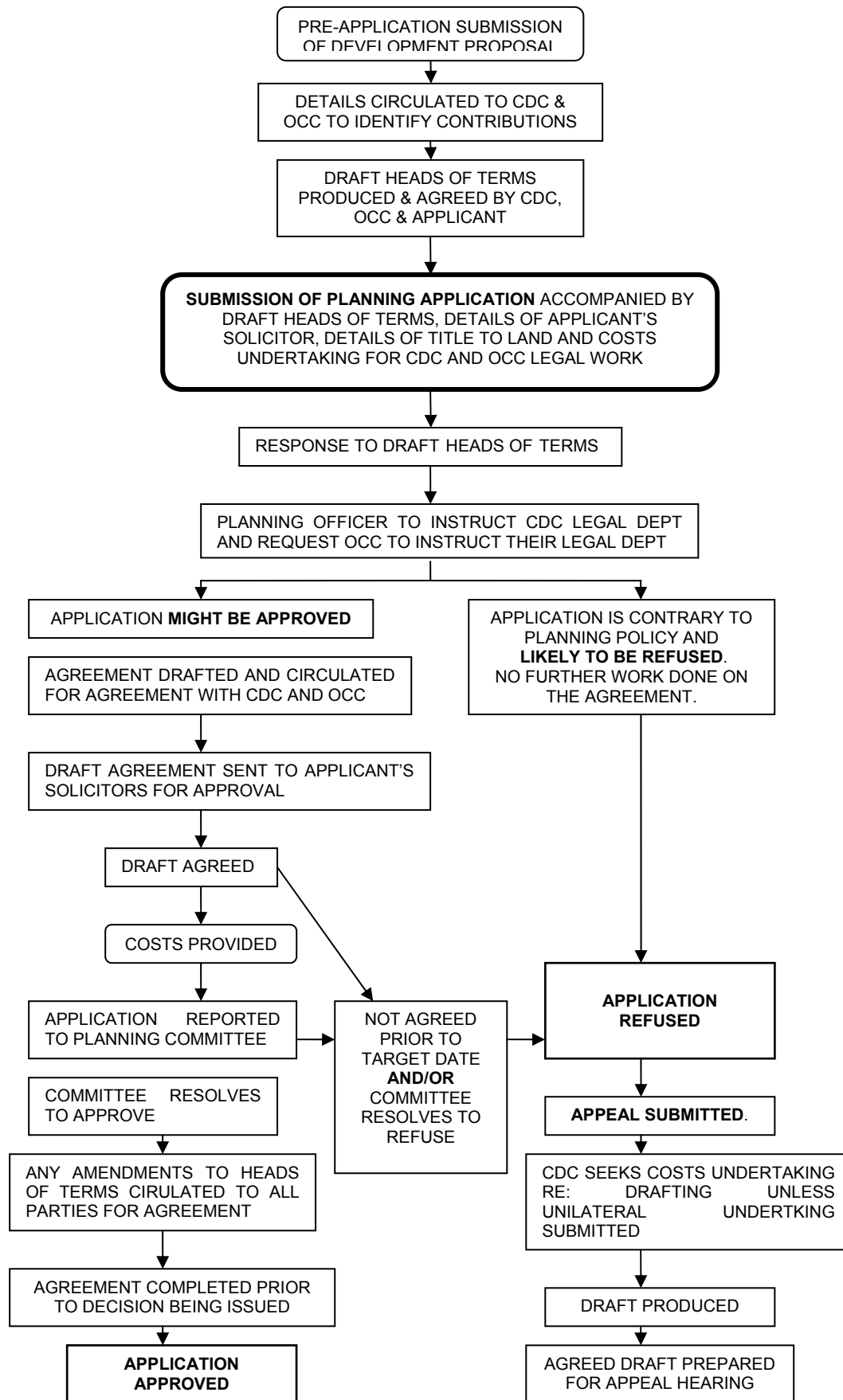
Account No: 00000000

Sort Code: 62 24 42

The payment needs to include the planning application reference and the site address.

Any payments made in respect of planning obligations to the LPA acting on behalf of a third party will be transferred to the relevant party, for example Oxfordshire County Council, and the third party will be responsible for the delivery of the infrastructure/service.

Appendix B (ii) – process for planning obligations



Appendix B (iii) – Population figures

This appendix sets out the population generation rates that are expected per dwelling in the Cherwell District Council area.

Average occupancy per dwelling (all ages)

Age Group	1 Bed	2 Bed	3 Bed	4 + Bed
All Ages	1.28	1.85	2.88	3.96

Average occupancy per dwelling (20 years and older)

Age Group	1 Bed	2 Bed	3 Bed	4 + Bed
Aged 20 +	1.22	1.51	1.89	2.42

Average occupancy per dwelling (65 years and older)

Age Group	1 Bed	2 Bed	3 Bed	4 + Bed
Aged 65 +	0.15	0.17	0.22	0.20

Average occupancy per dwelling (aged 0 - 4 years)

Age Group	1 Bed	2 Bed	3 Bed	4 + Bed
Aged 0 - 4	0.03	0.16	0.36	0.41

Average occupancy per dwelling (aged 13 - 19 years)

Age Group	1 Bed	2 Bed	3 Bed	4 + Bed
Aged 13 - 19	0.01	0.06	0.27	0.53

Average pupil generation per dwelling*

School Category	1 Bed	2 Bed	3 Bed	4 + Bed
Primary (4 - 10)	0.00	0.17	0.39	0.51
Secondary (11 - 15)	0.00	0.09	0.23	0.35
Sixth Form	0.00	0.01	0.03	0.07

* A reduction of 15% to the pupil generation rates has been applied to take account of pupils who will be educated in the independent sector. The sixth form rates have been discounted further to account for pupils leaving school before the sixth form.

Appendix B (iv) – Summary Table - to be updated

Summary of Obligations

	Applicability	Requirements	Policy / Evidence Base	Contribution	Unilateral Undertaking (UU) or Agreement?
Section One					
Affordable Housing	Residential development	30% of total provision on sites that include or are suitable for 10 or more dwellings in Banbury and Bicester 35% of total provision on sites that include or are suitable for 10 or more dwellings in Kidlington 35% of total provision on sites that include or are suitable for 3 or more dwellings elsewhere.	Development Plan	Provision on site	Agreement
Local open space, play space, sport, recreation and landscaping	Residential development	On site provision	Development Plan and Strategies	Provision on site in accordance with minimum standards – see page 28 for full details	Agreement
Local community facilities and services	Major residential development	On-site provision of community facilities and services where a development is of a scale that necessitates a new building or facility	Development Plan and Strategies	By negotiation	Agreement
Sustainable Urban Drainage Systems	All development requiring connection of residual surface water drainage to a public sewer	S106 may be necessary to clarify and establish appropriate mechanisms for the adoption and maintenance of the SUDs. A financial bond may be necessary to ensure that the SUDs is completed or that a commuted sum to fund maintenance is secured	Development Plan	By negotiation	Agreement
Nature Conservation and	All development	Financial contribution to provide off-site enhancements where	Development Plan	By negotiation	Agreement if on-site provision and

Biodiversity		enhancements on site of features of nature conservation value are not possible. Commuted sums covering 15 years maintenance if land transferred to the Council			to be transferred to CDC UU if off-site contribution
Sustainable Construction	All development	Where policy requirements cannot otherwise be met through development or design financial contributions may be sought to achieve the policy objective	Development Plan	By negotiation	Agreement/ UU
Sustainable transport and travel plans, footpath /cycleway provision, public transport infrastructure and access improvements	All development	In-kind and financial contributions towards measures designed to mitigate the impact of the development on the site and its immediate surroundings where new development is likely to create substantial and / or site specific demand for new transport infrastructure, or will overload the existing transport infrastructure and/or traffic management arrangements.	Development Plan	By negotiation	Agreement/ UU
Section Two					
Strategic Open Space Sport and Recreation Facilities	Residential development	Financial contributions towards the provision of new facilities or the improvement/expansion of existing facilities/open space where new development is likely to create the demand for open space sport and recreation facilities or overload the existing facilities	Development Plan and Strategies	1 bed – £2086.06 2 bed – £3014.95 3 bed – £4693.75 4+ bed - £ 6453.77 Plus contributions for other open space types by negotiation	UU
Cemeteries	Major	Financial contributions	Development	By negotiation	UU

	residential Development	towards the provision of new, or the expansion of existing, cemeteries and their maintenance to serve the population generated by the development	Plan and Strategies		
Indoor Sports	Residential development	Developments of less than 5292 units financial contributions towards off-site provision or the improvement/upgrading of existing facilities.	Development Plan and Strategies	1 bed – £345.47 2 bed – £499.31 3 bed – £777.31 4+ bed - £ 1068.80	Agreement if on-site provision UU if off-site contribution
Strategic Community Facilities	Residential development	Developments of less than 1000 units financial contributions towards off-site provision or the improvement/upgrading of existing facilities.	Development Plan	1 bed – £89.85 2 bed – £129.87 3 bed – £202.17 4+ bed - £ 277.99	Agreement if on-site provision UU if off-site contribution
Community Development Officer Funding	Residential development	To assist in setting up, training and establishing a community association to manage a community centre. Financial contributions may also be required to fund the development of a local community	Development Plan	By negotiation	UU
Refuse Bins and Recycling Banks	Residential development	Provision of refuse bin storage on site, payment to the Council for refuse bins and a contribution towards the provision of recycling facilities all in accordance with Council standards	Development Plan	Developments between 1 and 199 dwellings/flats - £64 for bin provision and £3.50 towards recycling facilities per dwelling Developments over 200 dwellings/flats - £64 for bin provision and on site provision of a recycling bank including provision of land and capital cost of silo provision.	UU Agreement
Public Art	All development	Inclusion of public art as an integral part of	Cherwell District	Financial contributions	UU

		the proposal.	Council Public Art Policy (adopted 5 February 2007	depending upon the size and nature of the scheme but will include: 1) The cost of the provision of the art and the management fee as required. 2) Commuted sum for maintenance (7% of the value of the art work per year) will also be required where the ownership of artwork is to pass to the Council and is on land to be adopted by the Council. See page 65 for full details	
Public Realm	All major development	Financial contributions towards the creation of and/or enhancement of public realm features in the vicinity of new development and from which the proposed development would benefit	Development Plan	By negotiation	UU
General Transport and Access Impacts	Development of a single dwelling, or any non residential floorspace, or change of use needing planning permission, will be regarded as having a general impact on transport and access infrastructure.	Financial contributions towards future measures (to be undertaken by public authorities) designed to mitigate the impact where development is likely to create general demand for new transport infrastructure, or overload the existing transport infrastructure and/or traffic management arrangements, off-site	Development Plan	1 bed – £ 2 bed – £ 3 bed – £ 4+ bed - £	UU

	Residential extensions and alterations will be disregarded				
Education (Primary, Secondary, 6 th Form, Special Educational Needs)	Residential development which is likely to generate demand for school places.	Financial contributions towards the provision of education infrastructure to meet the needs generated by population growth arising from the development where there is not enough spare capacity in existing schools that are well located to serve the development.	Development Plan	1 bed – £0 2 bed – £3745 3 bed – £9200 4+ bed - £ 13941	UU
Children’s Centres and Nursery Provision	Residential development which is likely to generate demand for children’s centre and nursery infrastructure	Financial contributions towards the provision of either new or expanded children’s centres and nurseries to meet the needs generated by population growth arising from new residential developments	Development Plan	1 bed – £15 2 bed – £80 3 bed – £180 4+ bed - £ 205	UU
Integrated Youth Support Service	Residential development which is likely to generate demand for integrated youth support service infrastructure	Financial contributions towards the provision of additional integrated youth support service infrastructure to meet the needs generated by population growth arising from new residential developments	Development Plan	1 bed – £2 2 bed – £12 3 bed – £54 4+ bed - £106	UU
Libraries	Residential development	Financial contributions towards the provision of library infrastructure to meet the needs generated by population growth arising from new residential developments	Development Plan	1 bed – £110 2 bed – £159 3 bed – £248 4+ bed - £ 341	UU

Day care Provision for the Elderly	Residential development	Financial contributions towards the capital cost of improved provision of and access to day and resource centres for the elderly where it is expected that new development would place an extra demand upon the service which cannot be accommodated within existing facilities and will be to meet the needs generated by population growth arising from the new development	Development Plan	1 bed – £165 2 bed – £187 3 bed – £242 4+ bed - £ 220	UU
Adult Learning	Residential development	Financial contributions towards the improvement/extension of existing adult learning facilities, and where necessary provide new facilities, to adequately address the increased needs generated by population growth arising from new residential developments	Development Plan	1 bed – £20 2 bed – £24 3 bed – £30 4+ bed - £ 39	UU
Museum Resource Centre (MRC)	Residential development	Financial contributions towards the extension of the existing MRC	Development Plan	1 bed – £6.11 2 bed – £8.84 3 bed – £13.76 4+ bed - £ 18.92	UU
Public Rights of Way (PRoW)	Any development of any size requiring planning permission from the local planning authority and which is expected to have an impact on PRoW	Financial contributions towards the maintenance of PRoW in new development sites or towards the alteration/improvement of existing PRoW links to new development sites	Development Plan	By negotiation	UU

Strategic Waste Management (WRC)	Residential development	Financial contributions towards extending and improving the WRC network in Oxfordshire to meet the needs of the increasing population	Development Plan	1 bed – £82 2 bed – £118 3 bed – £179 4+ bed - £ 253	UU
Fire and Rescue	Residential and commercial development	Financial contributions towards fire and rescue infrastructure to meet the needs of the increasing population	Development Plan	By negotiation	UU
Health	Residential development	New residential development will be expected to contribute towards the provision of additional health care infrastructure to meet the needs generated by population growth arising from new residential developments where there is not enough spare capacity in existing facilities that are well located to serve the development	Development Plan	A new facility will be sought on site for a development generating around 7,352 new residents or more. For smaller residential development sites and where the new development increases demand on existing facilities and specific schemes have been identified for the improvement/extension of existing facilities - 1 bed – £215 2 bed – £311 3 bed – £484 4+ bed - £ 665	UU
Police	Major residential and commercial development	Financial contributions towards the provision of additional on site infrastructure. The Council and its community safety partners may also seek financial contributions towards area-based initiatives to help reduce crime and disorder.	Development Plan	By negotiation	UU
Air Quality	All new development	Measures to offset any increases in local	National and Local	Measures by negotiation and	Agreement/U U

	within or immediately adjacent to Local Air Quality Management Areas	pollutant emissions, and/or financial contributions towards improvement measures or air quality monitoring	Strategies	financial contributions calculated on the basis of costed actions arising from an approved Air Quality Action Plan.	
Strategic Flood Defence	All major residential and commercial development.	Financial contributions towards the provision and maintenance of strategic flood defences where development is likely to benefit from the strategic flood defence scheme or exacerbate existing flood risk.	Development Plan	By negotiation on the basis of the cost of implementing the strategic flood defence scheme and/or commuted sums towards covering a proportion of the costs of maintaining the flood defences	UU

Appendix C

Appendix C (i) - Rural Housing

1. Introduction

Providing affordable housing in rural areas is a priority within Cherwell District Council.

Some areas will be provided with affordable housing through planning obligation contributions and the policy requirement for this is set out at paragraph 6.2.1 of the Affordable Housing Chapter. However the Council also proactively seeks other kinds of development to meet local needs. This will mainly be through the provision of Rural Exception Sites in accordance with national planning policy and the Development Plan but the Council is open to approaches from community led schemes such as self build and community land trusts.

2. Rural Exception Site Policy

The housing needs of each rural parish will be assessed regularly –initially through a desktop assessment and where necessary through a local housing needs survey.

The assessment of housing need will take the following into account:

- a) whether the proposed occupier is on or would qualify for inclusion on the Council's waiting list
- b) whether the proposed occupier is currently resident within the parish and needing separate accommodation
- c) place of employment (e.g. those people who help the local economy and need to live closer to the community)
- d) local connection/family ties within the parish
- e) previous periods of residence within the parish

In some instances the area considered local may consist of more than one parish –particularly where a parish has a housing need but no suitable sites and this need can be accommodated in a neighbouring parish.

The number affordable homes provided on a rural exception site should not be greater than the local need identified. The mix of type and tenure of units will reflect the needs identified through the housing need survey and through other information such as the Council's Housing Register. A mix should also provide a balanced community that can meet future needs.

3. Rural Exception Site Delivery and management

Cherwell is part of the Oxfordshire Rural Housing Partnership. This comprises of the 4 Oxfordshire Rural Districts, 4 partner RSL developing and managing partners, and two Rural Housing Enablers employed by the Oxfordshire Rural Community Council. In Cherwell our preferred development partner is Greensquare group.

We will generally seek the same requirements of affordable housing for rural exception sites as on other sites. However design aspects may be different to

fit closely with local styles of design, architecture and building materials. Because of this we strongly encourage close working with Council planning officers prior to submission of a planning application.

For all rural housing in nationally designated protected areas planning obligations must ensure that all housing is provided in perpetuity. To ensure this, delivery should be through a Registered Provider and shared ownership units should be leased through use of the HCA model lease for protected areas. This allows RP to either cap sales or equity shares at 80% to buy back properties which have been brought outright by the current occupier and remarket these on a shared ownership basis.

When units become available for re-let these will be prioritised for people with a local connection. If there is no one with a local connection who needs the property it may be let to a person with a local connection to other surrounding villages or failing that to anyone on the Districts Housing Register.

Appendix C (ii) – Draft Core Strategy Policy

Policy H5

Affordable Housing Requirements

At Banbury and Bicester, all proposed developments that include 10 or more dwellings (gross), or which would be provided on sites suitable for 10 or more dwellings (gross), will be expected to provide at least 30% as affordable homes on site.

At Kidlington, all proposed developments that include 10 or more dwellings (gross), or which would be provided on sites suitable for 10 or more dwellings (gross), will be expected to provide at least 35% as affordable homes on site.

Elsewhere, all proposed developments that include 3 or more dwellings (gross), or which would be provided on sites suitable for 3 or more dwellings (gross), will be expected to provide at least 35% as affordable homes on site.

Explanation of whether or not sites are suitable for accommodating 10 or more dwellings in urban areas, or 3 or more in rural areas, will be expected to be included in applications for planning permission.

Where this policy would result in a requirement that part of an affordable home should be provided, a financial contribution of equivalent value will be required for that part only. Otherwise, financial contributions in lieu of on-site provision will only be acceptable in exceptional circumstances.

All qualifying developments will be expected to provide 70% of the affordable housing as social rented dwellings and 30% as other forms of intermediate affordable homes. A mix of homes will be expected that reflects Policy H6 (Housing Mix) and Policy H7 (Extra Care Housing), and where available, information on local housing need.

It is expected that these requirements will be met without the use of social housing grant or funding but by way of internal cross-subsidy generated from the sale of market housing on the same development.

Should the promoters of development consider that individual proposals would be unviable with the above requirements, 'open-book' financial analysis of proposed developments will be expected so that an in-house economic viability assessment can be undertaken. Where it is agreed that an external economic viability assessment is required, the cost shall be borne by the promoter.

Where development is proven to be unviable with the above requirements, negotiations with the promoters of development will take place. These negotiations will include consideration of: the mix and type of housing, the split between social rented and intermediate housing, the availability of social housing grant/funding and the percentage of affordable housing to be provided.

Cherwell has a high level of need for affordable housing which for the purpose of this policy comprises social rented and 'intermediate' housing such as shared ownership. Local housing needs estimates (2009) suggest that there is a need to provide some

288 affordable homes per year to meet the need for social rented accommodation only (i.e. for those who cannot afford to privately rent or buy a property). This is in addition to current average supply of affordable housing (net new build) of 102 homes per annum (2001 to 2009) and without making any allowance for 'intermediate' need. Using the Oxfordshire Strategic Housing Market Assessment model (2007), it is estimated that continuing to deliver affordable housing at 102 homes (net) per year with an overall housing requirement of 670 per year (South East Plan levels), would produce a shortfall of 270 affordable homes per year (2006-2026).

Housing proposals will need to build-in the requirement to provide affordable housing where they meet the qualifying thresholds. Where the number of dwellings proposed falls below the relevant threshold, or the number of dwellings is not specified, officers will consider whether or not sites are, in all reasonableness, suitable to provide the number of dwellings that would trigger the requirement to provide affordable housing. The purpose of this is to ensure that there are not clear cases where the policy requirement is being avoided through inappropriate planning such as ineffective or inefficient use of land or a mix of dwellings that does not reflect other housing policies or local needs.

An Affordable Housing Viability Study (2009) has been produced to assess what levels of affordable housing could reasonably be required from new housing developments having regard to the costs of development and the need to ensure a flexible, responsive supply of housing land. In general, the higher land values in rural areas and at Kidlington allow for higher affordable housing requirements per site than at Banbury and Bicester where land values are lower. Indeed, the Affordable Housing Viability Study concludes that in some rural areas, a higher percentage of affordable housing would be viable than we are proposing. The policies proposed are informed by the level of need in Cherwell, viability considerations, the need to maintain housing delivery generally, and the need to establish a clear workable policy framework.

The Affordable Housing Viability Study demonstrates that affordable housing can be delivered in Cherwell without social housing grant/funding. The Homes and Communities Agency supports the policy expectation that affordable housing requirements will be met without social housing grant and this has become more important as a result of the 2010 Comprehensive Spending Review. There will always, therefore, be a 'no social housing grant or funding' assumption in implementing this policy. This should be made clear in any land transaction negotiations between landowners and potential developers.

Where scheme viability is a concern in discussing development proposals with the Council, consideration of the potential availability of social housing grant or funding, and negotiations on the mix and type of housing and the split between social rented and intermediate housing, will only take place following an 'open-book' economic viability assessment using, unless otherwise agreed, the Council's in-house, residual-value based, appraisal model.

The starting point for the mix of affordable housing to be secured will be Core Strategy policies H6 and H7 and information such as the Council's Housing Register and local housing need surveys. Credible information from registered social housing providers and developers will also be considered.

Discussions as to whether it would be appropriate to include a 'cascade' mechanism in legal agreements, potentially enabling the secured form and/or quantum of affordable

housing to be varied, will only be entered into with the benefit of an 'open-book' economic viability assessment having regard to the risks to delivery in each case.

Financial contributions made under Policy H5 will be secured by way of legal agreement for the provision of affordable housing only.

Appendix C (iii) –Discount Market Sale Calculation

It is unusual for the Council to accept Discount Market sale as the tenure for affordable housing but we will consider this in some circumstances where the Council believes this can best meet local needs. The discount will be set at a level that makes them truly affordable for households within the local area. This is based on what can be afforded by those on a threshold income; that is the income needed to be able to afford the cheapest form of open market housing (private rented). The calculation is then applied as follows:

1. Average figure for local market rents within submarket area
2. Income threshold needed to pay this figure assuming cost should be no more than 30% of income)
3. Potential borrowing capacity (3 times threshold income)
4. New build value of property
5. Discount needed to reach the borrowing capacity figure at number 3.

A full table is available giving indicative figures for each sub market area at Appendix C (iv). In general a discount of between 40 and 50% will be required.

Any discount will be fixed for all future re-sales of the property. Properties will be subject to a nomination agreement with the Council as for other forms of affordable housing.

Appendix C (iv) - Assessment for Off Site Provision and Calculation for Commuted Sums

In virtually every case if a site is considered suitable for housing development it will also be suitable for the provision of affordable housing. Cases where the Council may consider off site provision are exceptional but could include very small developments of housing (e.g. under 5 units) or where the planned housing would result in high management or service charge costs which would be unaffordable for an RP providing a housing management service. Commuted sums will be used where the calculation for affordable housing results in a part unit or in the case of Extra Care Housing where the resulting number of units is too small for a viable scheme (that is produces less than 45 units). Commuted Sums cannot be used to improve scheme viability as the contribution required will be the same as delivery of the housing on site.

This approach is consistent with PPS3 which states:

“In seeking developer contributions, the presumption is that affordable housing will be provided on the application site so that it contributes towards creating a mix of housing. However, where it can be robustly justified, off-site provision or a financial contribution in lieu of on-site provision (of broadly equivalent value) may be accepted as long as the agreed approach contributes to the creation of mixed communities in the local authority area” Para 29.

There are generally two approaches to setting the level of commuted sums; first, a formulaic approach, and second, a site by site assessment approach. In both approaches, the quantum of the commuted sum will be subject to viability. Thus, ultimately, although a formulaic approach is potentially helpful, the site by site assessment is always the ultimate fall back position.

The Council is setting out a fair and equivalent approach to the assessment of the quantum of payments-in-lieu.

The amount of contribution that will be required is to be calculated using the viability modelling described in paragraphs 4.4.15 – 4.4.20 of the affordable housing chapter. The calculation is as follows:

Residual Value of Land with 100% Market Housing less Residual Value of Land with Affordable target = commuted sum (divided by number of units for sum per unit).

Indicative commuted sums are set out in the Table 1 below for each of the sub market areas defined in the Council's Viability Study (March 2010). These are based on the figures in the Cherwell's Three Dragons Toolkit.

Indicative commuted sums payable by density and sub market

30 Dph						
	AH Target	RV at 100% Market	RV at AH Target	Difference	Total AH units	Commuted Sum per AH Unit
Rural Heart	35%	£4.92	£3.12	£1.80	10.5	£171,429
Bicester Western Hinterland	35%	£4.65	£2.91	£1.74	10.5	£165,714
Banbury & Kid'ton RHs	35%	£4.05	£2.48	£1.57	10.5	£149,524
Kidlington	35%	£3.89	£2.36	£1.53	10.5	£145,714
Bicester Eastern H'land	35%	£3.59	£2.14	£1.45	10.5	£138,095
Bicester	30%	£2.04	£1.14	£0.90	9	£100,000
Banbury	30%	£1.94	£1.07	£0.87	9	£96,667
40 Dph						
	AH Target	RV at 100% Market	RV at AH Target	Difference	Total AH units	Commuted Sum per AH Unit
Rural Heart	35%	£5.85	£3.65	£2.20	14	£157,143
Bicester Western Hinterland	35%	£5.51	£3.40	£2.11	14	£150,714
Banbury & Kid'ton RHs	35%	£4.78	£2.86	£1.92	14	£137,143
Kidlington	35%	£4.62	£2.74	£1.88	14	£134,286
Bicester Eastern H'land	35%	£4.24	£2.46	£1.78	14	£127,143
Bicester	30%	£2.37	£1.27	£1.10	12	£91,667
Banbury	30%	£2.26	£1.18	£1.08	12	£90,000
50 Dph						
	AH Target	RV at 100% Market	RV at AH Target	Difference	Total AH units	Commuted Sum per AH Unit
Rural Heart	35%	£6.51	£3.98	£2.53	17.5	£144,571
Bicester Western Hinterland	35%	£6.16	£3.71	£2.45	17.5	£140,000
Banbury & Kid'ton RHs	35%	£5.31	£3.09	£2.22	17.5	£126,857
Kidlington	35%	£5.13	£2.96	£2.17	17.5	£124,000
Bicester Eastern H'land	35%	£4.68	£2.63	£2.05	17.5	£117,143
Bicester	30%	£2.58	£1.30	£1.28	15	£85,333
Banbury	30%	£2.44	£1.19	£1.25	15	£83,333
80 Dph						
	AH Target	RV at 100% Market	RV at AH Target	Difference	Total AH units	Commuted Sum per AH Unit
Rural Heart	35%	£5.83	£2.90	£2.93	28	£104,643
Bicester Western Hinterland	35%	£6.19	£3.42	£2.77	28	£98,929
Banbury & Kid'ton RHs	35%	£5.28	£2.75	£2.53	28	£90,357
Kidlington	35%	£4.35	£1.81	£2.54	28	£90,714
Bicester Eastern H'land	35%	£3.81	£1.41	£2.40	28	£85,714
Bicester	30%	£1.56	£0.02	£1.54	24	£64,167
Banbury	30%	£1.30	-£0.23	£1.53	24	£63,750

The table shows that the higher the value the area, the higher the commuted sum payable. This is because although the gap between development costs and what RP's can afford to pay does not differ significantly from one location and another, residual value does. In other words, overall development costs (including land) will be greater in higher value areas than lower ones.

An additional consideration in looking at the figures in Table 1 below is that fact that in Bicester and Banbury, the commuted sums are calculated at 30% (not 35%) affordable

housing. This means that the gap between residual value and affordable housing target is smaller in these two locations than elsewhere.

Finally the table shows that the quantum of commuted sums generally falls as density increases. This is because viability for affordable housing is greatest at lower density.

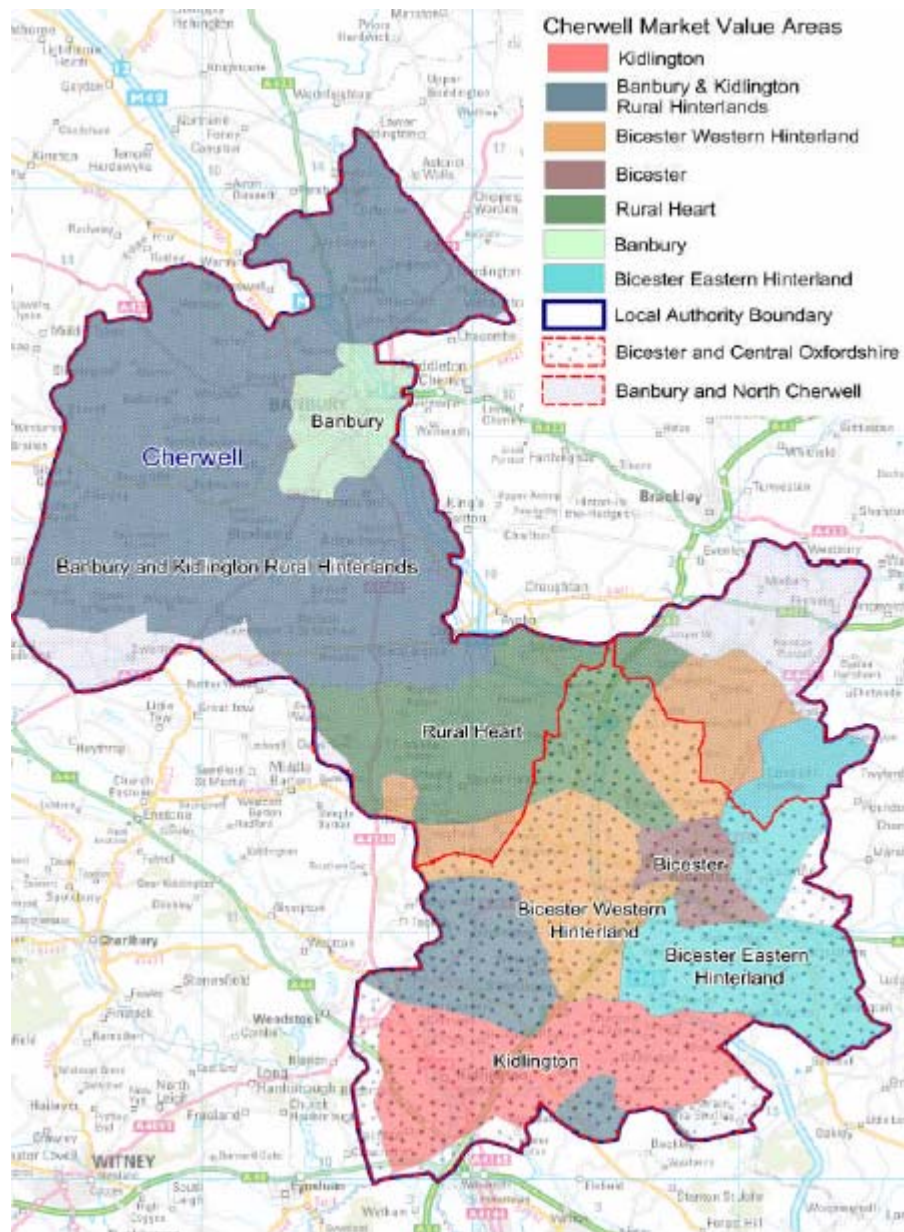
For ease of use the submarkets have been grouped together to provide indicative figures. These figures will be updated by the Council on a regular basis.

Commuted sums per unit (with grouped sub markets)

	30 dph	40 dph	50 dph	80 dph
Rural Heart	£168,000	£153,000	£142,000	£101,000
Bicester Western Hinterland				
Banbury & K'ton RHs	£144,000	£133,000	£123,000	£89,000
Kidlington				
Bicester Eastern Hinterland				
Bicester	£98,000	£91,000	£84,000	£64,000
Banbury & K'ton RHs				

The map below shows the submarket areas in the Cherwell District.

CDC Submarket Areas



Use of Commuted Sums

All sums collected will be ring fenced for affordable housing and will be as far as possible spent within the submarket area from which they were collected. Sums will be pooled and may be used to provide completely new provision on a new site, as additional resources to help deliver unviable schemes elsewhere, as additional money to provide a higher percentage of housing for rent or housing of a higher standard on sites (e.g. Code for Sustainable Homes)

Appendix C (v) - Extra Care Housing

1. Introduction

The Development Plan sets out the LPAs requirements for Extra Care Housing (ECH). Extra Care Housing is a priority within Cherwell's Housing Strategy for Older People.

(http://www.cherwell.gov.uk/media/pdf/4/1/Older_People_Strategy_2010_2015.pdf) Demographic projections show that the population of people aged over 65 in Cherwell is set to double with the steepest increases in those aged over 85. We recognise the need to provide high quality, affordable housing and care options for this population. The Council has therefore developed a programme for delivering schemes. To do this the Council works in partnership with Oxfordshire County Council who needs to agree the revenue funding available. The County Council has produced a countywide strategy for delivering Extra Care Housing and a joint County and District governance and delivery structure has been developed to implement this strategy.

ECH proposals tend by their nature to be complex and require the consideration of a wide range of factors. These are laid out in this chapter.

2. Definition of Extra Care Housing

Extra Care Housing is defined as specialist housing for people, aged not less than 55 years, who have assessed needs for personal care and/or support, as well as for housing; offering a range of communal facilities and services as agreed between the Parties such as an on-site care team, housing related support, social activities and provision for a midday meal.

Schemes may be of various models for example purpose built blocks with communal facilities, remodelling of existing buildings such as sheltered housing schemes, retirement villages, core and cluster schemes (a number of small developments around a central building housing core services; most suitable for villages)

The key features in determining if a scheme is an ECH scheme are:

- Independent Living – residents have their own front door and independent facilities. Properties can be easily adapted to meet changing needs over a period of time
- 24/ 7 care team – normally on site but may be peripatetic in core and cluster schemes
- Flexible care – the level of support is based on individual need which can fluctuate over periods of time
- Active ageing – schemes should provide a range of facilities including restaurants, health suites, activity and meeting rooms and internet access with the aim of enabling older people to participate in a range of activities and so promote health and well being. Such facilities should be available to the wider community
- Sustainable Communities – a range of tenure options should be provided and an adequate mix of one and two bed properties. Additionally ECH should support those with a range of care needs –both

low and high levels. Generally a mixture of a third of residents with low support needs, a third with medium needs, and a third with high needs is sought.

- Integration with the wider community – ECH should provide a focal point for older people in the local community and for other community groups through intergenerational activities
- Building design and technology –ECH should meet best practice in design to enable building to meet existing and changing needs. Schemes should comply with the County Councils Design Guide plus any other best practice guides such as the Housing LIN PRP produced document ‘Design Principles for Extra Care’.
<http://www.dhcarenetworks.org.uk/IndependentLivingChoices/Housing/Topics/type/resource/?cid=1629>.
- Location –the housing should be situated in a sustainable location, close to shops, transport and other services.

We would expect that planning proposals demonstrate at application stage how the above features are to be achieved within a scheme. It is usually helpful that an RP is selected at an early stage to facilitate the delivery of the above.

3. Delivery of Extra Care

We will generally seek on site provision for mixed tenure ECH schemes on sites of over 400 units. However where the policy requirement of 9% (5% market housing for outright sale and 4% affordable housing) results in an overall contribution of less than 45 units a commuted sum will be taken in lieu of on site provision and used to fund schemes on other sites. This is because schemes of less than 45 units are not viable to provide 24 hour care if required.

The calculation for commuted sums can be found at Appendix C (iv)

The Council regards ECH as use class C3 development under the Town and Country Planning Use Class Order 1987. Our expectation is that the tenancy or lease will not contain an obligation to purchase meals or care services and that these are purchased separately as a resident chooses. If an ECH scheme proposal comes forward as market housing for sale our usual planning obligation requirements including the provision of 30% affordable housing will apply.

ECH delivered as affordable housing will be subject to 100% nominations rights for the District Council which will be determined through a nominations agreement. Allocations are generally made through a joint referral process with the County Council and the RP.

4. Assessing ECH applications

Applications will be determined on the following criteria:

- Is there an identified need for ECH in the location? A breakdown of the requirements for each area in the District can be found in Cherwell’s Older Peoples Housing Strategy.

- The provision of care is supported by the County Council Health and Social Care Department.
- The scheme meets the features of ECH described in point 2 above as appropriate to the development.
- The scheme meets the housing policy requirements described in this document.

Appendix D

Appendix D (i) - Design of open space (general principles)

- Biodiversity Principles to be accommodated i.e. the designed open space should contribute and link into the Green Infrastructure across and beyond the site (e.g. green roofs, walls and bridges, native landscape planting, provision of nesting and roosting sites and that habitats and foraging routes are enhanced and protected). It is essential that an ecological assessment of the vegetation and habitats to be carried out at the appropriate time to enable the mitigation and enhancement of legally protected or non-protected species and their habitats, in accordance with the most current legal framework and guidelines from Natural England. Buffer zones are to be incorporated to deter access by humans and predatory pets to sensitive areas. Sensitive maintenance is to be considered and implemented
- Sustainable cycling and walking routes through public open space that connect easily with onsite and offsite facilities, workplaces, shops, homes, schools and transport hubs etc. There is to be linkage with the existing off site cycle routes.
- The design of open space is to be based on sound site survey information of all site features (including topography, hydrology, soils, trees, hedgerows, scrub, grassland, ecology and archaeology).
- An arboricultural survey and assessment of all trees, woodland and hedgerows on site, and within an influencing distance of the development, is to be implemented at the initial stage of the planning application.
- The open space is to connect sensitively and logically with adjoining routes and spaces with clear surveillance across the spaces and circulation routes, and from buildings. This is to reduce the crime risk.
- To create multifunctional, informal space where impromptu sports and play can take place, where both 'participants' and 'spectators' are accommodated through the appropriate siting of active and passive areas, with appropriate circulation routes.
- It is important that robust, hard landscape materials are appropriately and sensitively applied to open space with associated drainage systems.
- During the course of construction ensure low impact and sustainable construction techniques are implemented. This includes protection of retained features, topsoil/subsoil management and contractor plant circulation, site access and the storage of materials. Proper measures to reduce the impact of noise and dust during the course of construction are necessary.
- The designed planting areas to be robust, and appropriate to the built form. They are to be substantial enough in area to accommodate enough topsoil to facilitate full root development of new trees.
- Utilities are to be sensitively integrated into the design layout of public open space to ensure that new planting areas and trees are appropriately located to reduce future impact on utilities.
- An ecologically sound and sustainable landscape management plan for the successful establishment of all areas. This must accommodate recycling and current sustainable working practices.

- The appropriate maintenance access is to be incorporated into the open space layouts.
- Sensitively designed physical features to prevent unauthorised vehicle access designed into the open space layout.
- In accordance with current thinking, 'natural play' is to be considered for the appropriate locations where a 'natural' environment exists.
- The Council expects the developer to provide the latest interactive, innovative, imaginative, contemporary, challenging and stimulating play spaces for the benefit of children, their families and carers.
- Play and fitness areas are to be designed to encourage the health and fitness of children, adolescents and adults of all ages.
- To consider national guidance and best practice in regards to sustainable design and implementation of cemeteries. Green burial and traditional forms of burial are to be considered.
- The allotment site to be located to allow clear surveillance from adjacent spaces and buildings. They are to have good quality topsoil, the appropriate aspect, shelter and drainage for the growing of fruit and vegetables.
- For allotments national guidelines are to be considered, with the intention of providing a sustainable and innovative facilities.

Appendix D (ii) - Design of open space/recreation provision specific by type of provision

- Parks, Gardens and Amenity Greenspace

These areas are to connect sensitively and logically with adjoining routes and spaces where surveillance is allowed across the spaces and circulation routes. The parks designed to allow surveillance from adjacent buildings and incorporated into circulation routes so that the park has the potential to become very active. The aim is to encourage a multifunctional and informal space where informal sports/play can take place where both 'participants' and 'spectators' are accommodated through the sensitive siting of active and passive areas along with the associated circulation routes.

Consideration needs to be given to the use of surfacing materials that allow access by buggies and wheelchairs and those with impaired mobility- all paths are to be DDA compliant. Path surfaces must be constructed from robust materials that stand the test of time drainage to be appropriate to the areas of use. Particular consideration must be given to paths on gradients where the construction methods are appropriate to the gradients which must be stable after earth works and topsoiling. Retaining walls must be designed and implemented to be robust and with longevity. Retaining walls must be adopted with a clear idea of future refurbishment requirements and associated costs.

- Trees, Woodland and Hedgerows

The arboricultural survey and evaluation must identify the appropriate trees, woodland and hedgerows that are to be retained, along with the appropriate protection measures for these features during the course of the development, subject to the approval of CDC planning. The appropriate design layout and construction techniques are to be employed to ensure that these features are successfully integrated into the design to enhance these features and ensure their long term survival and development.

A long term management plan for the retained trees, woodland and hedgerows is to be considered with biodiversity objectives factored in.

- Natural/semi-natural greenspace

SUDS must be integrated with the biodiversity enhancements. Landscape and infrastructure design principles and detailed layout need to be closely aligned to ecological objectives to ensure that provision for public access does not compromise biodiversity objectives (National and local Biodiversity Action Plans and the Thames Valley Environmental Records Centre are to be consulted). This should be secured through intelligent design of robust semi-natural habitats within the context of accessible greenspace, and natural barriers to provide areas of low disturbance. The Green Space must be designed to maximise habitat linkage across the site and with habitats beyond the site boundary, contributing to achievement of the aims of nearby Conservation Target Areas where possible

- Playspace- younger children, older children, MUGAs, approach to LAPs, LEAPs, NEAPs

The Developer's designers to consult such guidance as 'A Design for Play: A Guide to Creating Successful Places' by the Department for Children, Schools and Families, and 'Places for Play', published by Playlink. The designer must also consult the most current guidance on play. Emphasis should be placed on the importance of social interaction, accessibility, play value, the setting, and good neighbourliness. It is important to stress the importance of integrating the selection of play area sites into the

In designing and laying out open space and play areas consideration needs to be given to the needs of the disabled and those with impaired mobility. Particular consideration should be given to the choice of equipment, surfacing of the play area, and spacing of equipment and facilities for carers.

For the reasons of safety of children the play area must be appropriately located to allow for surveillance from adjacent well-used pedestrian routes and property. They should be in open, welcoming locations, not on back land with access along high-fenced narrow alleyways. They must be separated from areas of major vehicle movements and accessible directly from pedestrian routes and linked as far as possible with other open spaces, footpath systems, amenity planting areas.

Play area design must take account of the access and circulation through and around the play equipment, and the social interaction of children. The access gates should be recessed into the fencing and open outwards away from the activity area but not obstruct the path leading to the play area. At least two access points are required to allow for an alternative escape.

The design of play areas must also take into account future maintenance requirements. For example wetpour safer surface areas tend to be less problematic than bark or matting, if installed correctly

Play areas are to be sited on land suitable for the type of play intended, for example, slopes that are too steep for building can provide some kind of play experience.

Such areas must be well drained with grass and/or hard surfaced playing space with an impact absorbing wetpour safer surface to each piece of play equipment or feature.

The play areas are to be appropriately designed and signed to exclude dogs.

The Developer is required to ensure that play equipment complies as follows:

- the fall heights from play equipment/features to be considered and the appropriate wetpour safer surface installed beneath.
- ensure play equipment is appropriately sited and orientated to avoid problems e.g. metal slides must not be orientated in a southerly direction to reduce solar heating and play equipment should not be placed under trees.

- ensure that high climbing equipment or equipment on mounds are sited sensitively and well away from nearby windows.
- provide lockable litter bins with lockable lids to prevent litter from being spread on to play surfaces, and the bins to be secured with underground fixings in the appropriate concrete foundation (sited away from seats).
- provide child-safe boundary fencing appropriate to play areas, to be secured with appropriate concrete foundations.
- provide child-safe, self-closing gates appropriate to play areas, with the posts secured with the appropriate concrete foundations.
- provide seating to enable carers to supervise children at a safe distance. This will encourage children to stay longer at a facility. The seats should be comfortable with backrests and armrests for carer's support. Seating should be incorporated into the design of the area rather than added as an afterthought. Where possible consultation with disabled children and their parents within the area should take place and their needs accommodated within the design of the open space.
- provide robust signage that is clearly seen, easily read and is secured with the appropriate concrete foundations.
- ensure that no foundations are exposed above ground.

The minimum buffer zone distances for LAPs, LEAPs and NEAPs are:

LAP -	5 metres from activity zone to forward most part of dwelling.
LEAP -	10 metres from activity zone to property boundary (20 metres from activity zone to habitable façade).
NEAP -	30 metres from activity zone to property boundary.

- Allotments

The Developer is to consult the National Society of Allotment and Leisure Gardeners (NSALG) guidelines. The standard allotment plot in England and Wales is the '10 pole plot', which equates to 250 square metres. The plot is usually rectilinear in shape but this does not have to be the case. This size of plot could feed a family of four for a year if husbanded. As a rule of thumb for 1 acre of land the optimum number of plots would be 12-15 allowing for haulage ways.

Paths should be 1.4 metres to enable disabled access, and haulage ways 3 metres wide.

For allotment buildings the NSALG recommend the following sizes for buildings:

- Plot holders shed 12 sq metres;

- Greenhouse 15 sq metres; and
- Polytunnel 30 sq metres

For building foundations and connection to services the necessary approvals are required from the relevant authorities.

- Bowling greens

For bowling greens rapid drainage is necessary with a true, uniform and fine turf surface over which the ball will roll easily and predictably. In order to reduce future settlement of the desired levels it is important to consolidate the sub-layers to the appropriate and current quality standards during construction.

Bowling green size 37.42 x 37.42 metres square (0.14 Ha).

A natural grass bowling green is required with automatic irrigation.

Appropriate foundations to the bowling green surface is to be formed.

Appropriate drainage to be installed to the perimeter ditch to ensure water flowing off the surface is rapidly intercepted. The surrounding ditch is to be constructed in accordance with English Bowling Association guidelines.

Utilise precast interlocking concrete channel units, provide with drainage holes rather than timber reinforcement.

The limitation to the height of the slope of the turf bank surrounding the bowling green and the arrangement of the slats on the turf bank wall are to be in accordance with the rules of the game.

The Developer is to gain guidance from the English Bowling Association and SAPCA.

- Golf courses

For golf greens rapid drainage is necessary with a true, uniform and fine turf surface over which the ball will roll easily and predictably. In order to reduce future settlement of the desired levels it is important to consolidate the sub-layers to the appropriate and current quality standards during construction.

- 9 hole golf course – 25 - 40 Ha
- 18 hole golf course – 50 - 70 Ha

Fertilisers and pesticides are usually applied in high doses to maintain the playing quality of teeing ground, fairways and greens. Golf courses are to be designed to mitigate the leaching of fertilisers/pesticides into watercourses by the use natural drainage systems such as reed beds. Herbicides and pesticides are to be used sustainably.

The biodiversity of golf courses (in the 'rough' and site periphery) must be considered both at the design stage and future maintenance programs for the benefit of golfers and wildlife. Native trees and shrubs will provide visual interest, wildlife value and mitigation to large areas of fairway. Organic fertilisers and pesticides must be used.

Large quantities of topsoil are needed to construct a golf course and it is therefore essential to protect and reuse as much of the onsite topsoil as possible to minimise the detrimental environmental effects of transporting large quantities of topsoil to site.

Both the European Institute of Golf Course Architects and the British and International Golf Greenkeepers Association will provide technical guidance for the design and implementation of golf courses.

The developer is to consider of the use of sustainable herbicide/pesticide application in accordance with the most current UK legislation and European directives.

- Football (adult/junior/mini soccer) and Rugby, Cricket Hockey pitches

Developers will be expected to provide a grass/ artificial surface area of suitable size, gradient, drainage and condition to satisfy the design guidelines/regulations of the particular sports governing body or association, for example the Developers and their consultants are expected to consult Sport England's design guides, Natural Turf for Sport, and Comparative Sizes of Sports Pitches.

The size must allow adequate surrounding area for the safe play of the sport and the safety of the public and property adjacent to the playing surface. Fencing may be required to satisfy this requirement.

The LPA will issue a minimum specification for the construction of grass pitches. This is only a general guide as the detailed designs and specifications for particular sports and activities can vary considerably. Sport England produce design guidance on the provision of sports facilities and designers are encouraged to take this into account in designing facilities to ensure they meet minimum standards.

Hockey pitches can be orientated in any direction because the ball is kept near ground level, however it is difficult to justify a hockey only pitch where there are spatial constraints and a shortfall in the sports provision i.e. football. It is therefore appropriate for such a pitch to accommodate football also and the pitch to be orientated in accordance with the orientation diagram (diagram 1) below. This means that is appropriate to orientate the pitch as for football due to the high ball scenario.

Developers will be expected to provide a grass/artificial surface area of suitable size with appropriate drainage, gradient and condition to satisfy the regulations of the particular sports governing body. The size must allow adequate surrounding area for the safe play of the sport and the safety of the public and property adjacent to the playing surface. Fencing may be required to satisfy this requirement. Equipped changing rooms/pavilion will be required in association with sports areas to enable them to be used to their full potential. This provision will vary depending on the size of the sports area and the sports provided for and the provision of other facilities within the locality. Formal car parking provision may be required specifically to accommodate users of the facility so as not to inconvenience local residents/businesses.

Where schemes involve major changes to ground layouts or where new grounds are being planned the pitch must, if possible, be orientated (end to end) within the directional limits shown in *Diagram 1*. This is primarily to minimise the adverse effect of the low afternoon sun on players of high ball games such as rugby, basket ball and football.

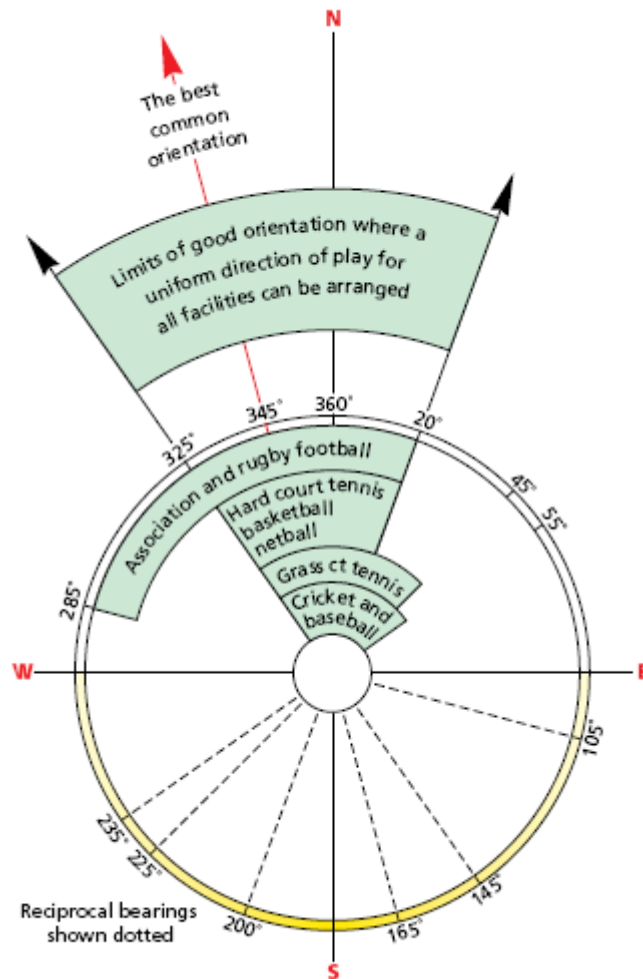


Diagram 1 - Goal to goal, wicket to wicket, or baseline to baseline orientation diagram. From the National Playing Field Association's original guidelines. With kind permission from Fields in Trust

Floodlighting of the sport surface may be a requirement to extend the use of the facility, especially for sports such as tennis, five-a-side football, netball etc.

- Cricket Squares and Grass Tennis Courts

On cricket squares and tennis courts the surface conditions are similar to football and rugby. The cricket square must be orientated correctly – refer to Diagram 1. The developer is to consult English Cricket Board's technical guideline on the siting and construction of cricket squares and outfield. For a cricket square or tennis court soil must remain level, consolidated and grassed and have a uniform surface. The surfaces will not self drain adequately as a result of the consolidation, therefore it is crucial for the interception of surface runoff and ground water by appropriately designed drainage system to the periphery of the square. The drainage system to be constructed to a standard

where there is successful turf growth above it. A water source is to be installed near to the surface of the square to ensure that it can be watered regularly in drought. The Lawn Tennis Association will give guidance on the design and construction of tennis courts.

Hard surfaced tennis court design and construction guidance is provided by SARPCA.

- Hydrology and Drainage

Hydrology and sustainable urban drainage is to be incorporated where appropriate and designed and implemented in accordance with the Flood and Water Management Act 2010 and the Construction Industry Research and Information Association's (CIRIA) most current guidelines and approved by OCC engineers. Service runs and drainage routes are to be considered early on in the design stage so that they are sensitively incorporated into the landscape scheme to reduce adverse impacts on existing features, such as trees and hedgerows, and proposed trees and planting. Maintenance wayleaves are to be incorporated into the SUDS layout to the approval of OCC engineers.

Appendix D (iii) - The Council's requirements to achieve high quality provision

Landscape Design and Management

The Council expects the developer to provide the latest interactive, innovative, imaginative, contemporary, and stimulating play spaces for the benefit of children, their families and carers. For every play area, a flexible design process that is free of pre-conceived ideas is essential, where the latest research and developments are considered and incorporated, if appropriate. With this the aim is to create well-designed play spaces of high quality that are valuable assets to the local community and contribute to the local character of an area in a positive way.

To encourage this type of play the Developer's designers to consult such guidance as 'A Design for Play: A Guide to Creating Successful Places' by the Department for Children, Schools and Families, and 'Places for Play', published by Playlink. The designer must also consult the most current guidance on play.

High professional standards for landscape design, creation and management are set by the Landscape Institute, the Institute for Leisure and Amenity Management, Secured by Design, Fields in Trust, Football Foundation, Thames Valley Police, Play England, Sports and Play Construction Association (SAPCA) and the Royal Horticultural Society. The Council expects these professional standards and guidelines to be applied to all open space areas. The Council expects the developer to commission Chartered landscape architectural practices or use their in-house Chartered landscape architects. This is to ensure that high-quality landscape design is implemented.

Guidance for the design of secure play areas is obtained from Secured by Design: Playing Areas, and Thames Valley Police: Youth Shelters and Sports Systems.

Existing Landscape Features and Topography

The landform and natural features of a site should be the starting point when designing new development and open space, sport, recreation and play facilities. Natural features should be retained and supplemented and should form the basis of the landscape structure of the development, preferably retained within the public domain in order to ensure consistency of management. Native plants should be local indigenous species. Existing trees and hedges are important for local amenity, character and provide environmental benefits and habit for wildlife. The Council requires the Developer to employ professional arboricultural consultants and ecologists who are suitably qualified with relevant experience for the matters to be addressed, in order to ensure that the appropriate trees and hedgerows are retained in the scheme and biodiversity is addressed. Existing hydrology is to be incorporated into the landscape design, with the sustainable urban drainage (SUDS) where appropriate.

Quality

The Council expect high standards of landscape implementation and management. Hard detailing shall be robust, fit for purpose and in accordance with locally adopted standards e.g. paths to be adopted by Oxfordshire County Highways. Ground profiles, drainage, soil preparation, plant supply and planting shall accord with high quality standards and procedures.

Developers are required to specify and procure hard and soft landscape works in accordance with the industry standard National Building Specification (NBS) for Landscape and the current and relevant EN/BS standards.

The play equipment is to be designed, manufactured, installed and maintained in accordance with EN1176, EN1177 and BA7188 (or any current/up-dated versions). All play equipment must have transferable guarantee certificates which are to be presented to the Council.

Developers are required to source, handle and establish landscape plants in accordance with the Horticultural Trades Association and Landscape Institute's National Plant Specification (latest edition)

In regard to implementing high quality sports pitch / courts provision the Developer and their consultant's must adhere to Sport England's design guides, Natural Turf for Sport, and Comparative Sizes of Sports Pitches.

The maintenance specifications for open space, sport, recreation and play facilities are to be written and implemented in accordance with the relevant EN/BS standards.

SUDS is to be designed and implemented in accordance with the interim Code of Practice for SUDS and the current design and best practice manuals (C522 and C523) from CIRIA. The most current legal framework (Flood and Water Management Act 2010) must be complied with. SUDS design and implementation techniques are to be approved by Oxfordshire County Council engineers.

Topsoil on development sites is a valuable and diminishing resource that must be to be protected/conserved during the construction process, and then appropriately reused on site as part of the approved landscaping. The Developer must consult DEFRA's Safeguarding Our Soils A Strategy for England and adhere to BS 3882:2007 Specification for topsoil and requirements for use (or the most up to date and relevant standard) during the course of construction.

Scaled Drawings and Orientation

The LPA expects full details of the treatment of open space areas on standard metric scaled drawings and plans of sufficient size to enable a proper assessment of the proposal. The laying out of the area should then take place in accordance with the approved details. Should variations to the approved details be subsequently agreed and implemented accurate scaled 'as built' plans will be required prior to transfer. The north point is to be drawn in the correct position on the scaled plans in order to allow aspect to be considered by the LPA.

Service Routes

Play areas must not be laid over drainage or service runs. Any excavations to repair or replace services will mean the closure of the play area during the course of the works, a deficit of play opportunities in the local areas, and potential issues with the quality of finalised surface levels after completion of the works. There must be no access boxes or manholes in play areas for the same reason. It is not appropriate for these features to be objects of play or vandalism. The routes of services should be planned so as not to pass through or over play areas or outdoor sports facilities. If this proves impossible at the design stage the LPA will require the developer to limit the services to within a restricted and well-defined corridor.

This corridor must avoid any areas of existing trees or proposed strategic planting (keeping outside the canopy spread of existing trees and no closer than 3 metres from proposed planting).

Contractor's Compounds

Compounds for the storage of material and the siting of offices for site management are a necessary feature of construction sites, however, it is essential that compounds are not placed on land intended to be laid out as public open space. Where compounds are placed on such areas the developers will be required to properly remediate, decontaminate, restore and cultivate the land to negate the effects of that use prior to the open space being laid out and landscaped.

Unauthorised Vehicle Access

Car parking is at a premium in many residential areas and measures are likely to be required to prevent access to open spaces and play areas by motor vehicles. This can be achieved in a number of ways from the provision of high kerbs, landscape planting or physical barriers such as posts or fencing. It is important that the measures proposed are appropriate for the location and design of the open space and do not restrict access by pedestrians, those with push chairs or wheel chairs or other legitimate users of the open space.

Surfaces

The need for hard surfacing should be taken into account in the design of the open space and the amount and type of surfacing should be appropriate to the location of the open space and the likely level of use. The play area and the play facilities within are to be accessible by hard-surfaced footpaths. Note that all play areas are to be appropriately surfaced to withstand intensity of use. Consideration needs to be given to the use of surfacing materials that allow access by buggies and wheelchairs and those with impaired mobility. The use of bark, chippings and small material can inhibit wheeled access. However, the use of a single surface material will reduce sensory experience.

Areas that are likely to be heavily used such as popular paths, gateways and areas around seating and under shelters will require hard surfacing. Hard surfacing can also assist accessibility for people with mobility impairment.

Sports Pitches/Courts

Where schemes involve major changes to ground layouts or where new grounds are being planned the pitch must, if possible, be orientated to minimise the adverse effect of the low afternoon sun on players of high ball games such as rugby, basket ball and football.

The outdoor sports provision requirements can only reasonably be provided on-site within larger developments. In some cases sports pitches may be more appropriately provided in conjunction with or located close to existing or proposed sports provision. Such off-site locations should be within reasonable distance of the residential development providing it.

Sport England produce design guidance on the provision of sports facilities and designers are encouraged to take this into account in designing facilities to ensure they meet minimum standards.

Siting of play areas and MUGAs

Emphasis should be placed on the importance of social interaction, accessibility, play value, the setting, and good neighbourliness. It is important to stress the importance of integrating the selection of play area sites into the whole process of design, and not merely as an afterthought. Sites should be accessible within the specified walking distance on practicable, not notional, routes. Children should not need to cross major hazards such as main roads, railways or waterways, or having to move from one clearly defined housing estate to another to reach a playground. Play areas should be accessible to children with special needs (those with physical disabilities and/or learning difficulties). This is essential to the development of sustainable and inclusive communities. The requirements of the Disability Discrimination Act (DDA) 2005 (or the most relevant legislation) need to be met in the design and laying out of any areas of open space. The Government has produced guidance entitled *Developing Accessible Play Space: A Good Practice Guide* to assist in dealing with these issues. Particular attention will be given to the accessibility of play equipment to both children and their carers.

Play Equipment

The Council expects the developer to provide the latest interactive, innovative, imaginative, contemporary, and stimulating and challenging play equipment for children's overall benefit and positive development. The developer is to provide 'natural play' for the appropriate locations. Timber play equipment must be sourced from a sustainable source and be Forest Stewardship Council registered. Where appropriate some equipment is to be provided for adults of different ages. The play equipment and features to be sited to allow for the safe use of the equipment and appropriate circulation around the play area with no obstruction of exits and entrances for all users, including those persons/children of impaired mobility. Consideration should be given to the inclusion of some equipment that is accessible to disabled children such as double width seesaws and swings with roomy bucket seats accessible to disabled children

The Buffer Zone

Each play area should consist of an activity zone, which will be equipped, and a buffer zone to separate the play area from nearby residential properties, and minimise disturbance to neighbours. This buffer zone may comprise planting, footways, cycle ways. For example, the buffer zone should be a minimum of 5 metres deep between the edge of the activity zone and the forward most part of any dwelling that faces a LAP. Gable ends or other exposed house walls should be protected from use for ball games by, for example, providing a 2 metre minimum strip of dense planting. The buffer zone should include planting to allow children to experience natural scent, colour and texture. Trees will need to be considered close to play facilities to provide an area of shade for children. It is advised that no play features or equipment are located directly beneath the tree as this may cause maintenance issues.

Appendix D (iv) - Commuted sums

Evidence Base

The Council has obtained capital sums for open space, sport, recreation and play provision from reputable play constructor companies and sports field contractors. The landscape maintenance rates are competitive and taken from the annually updated competitive rates of the Council's landscape maintenance contract.

Appendix E

Appendix E (i) – Future protocol for application process and adoption process
Appendix E (ii) – Future commuted sums for maintenance

Appendix F

Appendix F (i) - Advice to developers on incorporating features to encourage biodiversity

1. Developers should ensure they incorporate green and blue infrastructure such as new hedgerows and ponds to encourage biodiversity within their developments. The [South East Green Infrastructure Framework](#) provides a definition of green infrastructure and sets out how the infrastructure can be delivered. The types of features to be incorporated should be decided on a site by site basis taking the site characteristics and environmental context into consideration. This means surveys must be carried out before the layout of the development is designed.
2. The following are just some of the features that may be incorporated into a development:
 - a) artificial bat roosts (boxes, bricks and roof spaces)
 - b) bird boxes (e.g. for barn owls, swifts)
 - c) communal trees
 - d) green/brown roofs and walls
 - e) hedgerows
 - f) ponds
 - g) hibernacula for reptiles and amphibians
 - h) log piles for invertebrates
 - i) hedgehog domes
 - j) wildflower meadows
 - k) sustainable drainage schemesFurther information can be found at [Biodiversity and Planning in Oxfordshire](#).
3. Developments should aim to maintain, restore and create UK BAP priority habitat where possible. See [Oxfordshire's Biodiversity Action Plan](#) for more information.

Appendix F (ii) - Survey requirements

The following information can be found on the Oxfordshire County Council Website at: <http://www.oxfordshire.gov.uk/naturalenvironment> under the Biodiversity in Planning section.

1. In submitting a planning application, applicants must identify protected or priority species, designated sites, important habitats and other biodiversity features on or adjacent to the development site. [Biodiversity and Planning in Oxfordshire](#) gives an overview of these features in Oxfordshire and more detailed site level information is available from [Thames Valley Environmental Records Centre \(TVERC\)](#).
2. Where it is likely that a proposal will impact on any of these features, up-to-date biodiversity information will need to be provided with the planning application. The type of biodiversity assessment needed will vary from a biodiversity survey and report to an Environmental Impact Assessment and Appropriate Assessment if a European site is involved.
3. Discussion of biodiversity survey needs at pre-application stage can help reduce the likelihood of delays resulting from requirements being identified at a late stage.

4. Depending on the scale and location of the proposed development, the following surveys may be required within and around the development site:
 - Desk study data search (using information from TVERC) to identify designated sites and important habitats and species
 - Extended Phase 1 habitat survey
 - Phase 2 habitat survey where potential UK BAP habitat has been identified in the Phase 1 survey
 - Scoping survey for potential habitat for protected species, species of conservation concern, rare and notable species and UK Biodiversity Action Plan (UKBAP) species
 - Full survey for protected species, species of conservation concern, rare and notable species and UK Biodiversity Action Plan (UKBAP) species where potential habitat has been identified in the scoping survey

5. Surveys should be carried out by suitably qualified personnel. A list of ecological consultants is available on the [IEEM website](#).

6. The report should have the following sections (or similar):
 - a) **Qualifications** of those carrying out the survey (e.g. bat licence for bat survey)
 - b) **Methods** (including personnel, timing, weather conditions, procedures);
 - c) **Results** (i.e. what biodiversity is present)
 - d)
 - i. **Desk study** with maps of designated sites in the wider area. Desk study data must be sourced from TVERC (www.tverc.org) or the absence of records from TVERC noted. The desk study can also include other sources of information.
 - NBN Gateway data
 - Local group data (e.g. bat group)
 - Contextual information from local recording groups and individuals, as appropriate
 - ii. **map** showing locations of habitats/species within the application area
 - iii. **details of the habitats/ species concerned**
 - iv. the **relative population level of the species** or extent of the habitat at the site to be affected by the proposal
 - e) **Impacts**
 - i. The direct and indirect effects of the development upon that species, habitat or site
 - ii. Whether the impact is acceptable and/or licensable (for protected species)
 - f) **Recommendations**
 - i. If it is not possible to avoid impacts, full details of how they can be mitigated;
 - ii. If there is no way of mitigating impacts, full details of deliverable compensation measures should be identified;
 - iii. Full details for mitigation, compensation and enhancements;
 - iv. Details of the long-term monitoring strategy and management of any habitats used by the effected protected species;
 - v. The location and details of receptor sites if one is required;
 - vi. How the application can result in overall enhancement in biodiversity; and

- vii. Avoidance, mitigation, compensation and enhancement measures must be clearly stated to enable report recommendations to be conditioned and enforced.

NB If the report recommends further surveys - these must be carried out before the application is validated.

Appendix F (iii) - TVERC contact details

Thames Valley Environmental Records Centre
c/o Oxfordshire County Council
Signal Court
Old Station Way
Eynsham
Oxon OX29 4TL
Tel: 01865 815451
Fax: 01865 713939

TVERC Director: melanie.hardie@oxfordshire.gov.uk
Oxfordshire Manager: gavin.bird@oxfordshire.gov.uk

All enquiries regarding data searches should be directed to the above address, phone number or by email: datasearch@tverc.org.

Appendix F (iv) - Further information:

- 'Biodiversity and Planning in Oxfordshire' guidance.
www.oxfordshire.gov.uk/naturalenvironment
- Institute of Ecology and Environmental Management's Guidelines for Ecological Impact Assessment in the United Kingdom
<http://www.ieem.net/ecia/>
- Natural England Standing Advice for Protected Species
http://www.naturalengland.org.uk/regions/south_east/ourwork/standingadvice/protectedspecies/default.aspx
- Construction Industry Research and Information Association — Guidance on Optimal Timing for Carrying Out Specialist Ecological Surveys and Mitigation
<http://www.ciria.org/service/knowledgebase/AM/ContentManagerNet/Default.aspx?Section=knowledgebase&Template=/TaggedPage/TaggedPageDisplay.cfm&TPLID=62&ContentID=11318>
- Habitats Regulations Guidance Notes:
 - Appropriate Assessment
http://www.mceu.gov.uk/MCEU_LOCAL/Ref-Docs/EN-HabsRegs-AA.pdf
 - Review of Existing Planning Permissions and Consents
http://www.mceu.gov.uk/MCEU_LOCAL/Ref-Docs/EN-HabsRegs-ConsRev.pdf
 - Determination of Likely Significant Effect
http://www.mceu.gov.uk/MCEU_LOCAL/Ref-Docs/EN-HabsRegs-SigEffect.pdf
 - Alone or In Combination
http://www.mceu.gov.uk/MCEU_LOCAL/Ref-Docs/EN-HabsRegs-InComb.pdf

Appendix G

Appendix G (i) - Design Requirements for Cemeteries

The following features are essential and desirable to local residents: contemplation areas, formal hard and soft landscaping areas adjacent to the entrance and access routes, landscaped areas with plants that flower and produce berries for the benefit of wildlife to enhance the user experience; areas of well maintained grass; specimen trees for their perceptual qualities and the casting of shade; seating areas that allow the users to experience attractive landscapes; footpaths wide enough for wheelchairs; a clean litter free site with appropriate lighting is required.

Appendix H

Appendix H (i) - Process and procedures for applications where on site provision is required

The LPA will identify the on site indoor sport provision required and will provide the developer with a specification for the floor space and the facilities that need to be provided on-site. At application stage specific proposals must be identified and defined to support the preparation of planning obligation documents.

Conditions and planning obligations will require the developer to submit detailed proposals to the LPA for approval. These proposals must include detailed drawings, specifications and guarantees (transferable). The LPA will provide formal approval to the developer once internal consultations are completed, or seek amendments to the indoor sports proposals, as necessary.

The developer will construct the building/facility in accordance with the approved details and ownership of the building/facility will be transferred to the Council following a satisfactory final inspection.

The timing of provision of the facility will be negotiated on a case by case basis but the size of the development and proximity to existing facilities will be a determining factor.

Appendix I

Appendix I (i) - Process and procedures for applications where on site provision is required

The LPA will identify the on site community hall provision required and will provide the developer with a specification for the floor space and the facilities that need to be provided on-site. At application stage specific proposals must be identified and defined to support the preparation of planning obligation documents.

Conditions and planning obligations will require the developer to submit detailed proposals to the LPA for approval. These proposals must include detailed drawings, and specifications. The LPA will provide formal approval to the developer once internal consultations are completed, or seek amendments to the proposals, as necessary.

The developer will construct the building/facility in accordance with the approved details and ownership of the building/facility will be transferred to the Council following a satisfactory final inspection.

The Council will help establish a community association and it will be expected that the community association runs the facility. Maintenance of the fabric of the building will be the responsibility of the Council.

The timing of provision of the facility will be negotiated on a case by case basis but the size of the development and proximity to existing facilities will be a determining factor. However for a 1000 residential unit development the facility will be required to be operational on completion of the 400th unit.

Appendix I (ii) – deficiencies in provision (to be added)

Appendix I (iii) - sums for maintenance (to be added)

Appendix J

Appendix J (i) – Community Development

Funding for Staff Resource directly employed by the District, town or parish council

1. Purpose

The purpose of the post would be as follows:

- First nine months to work in association with the developer and where appropriate the developer to gain local interest in establishing a community association – initially a steering group. To establish the group so that they can work with the District Council the local council and the developer on the facility provisions.
- The second twelve months to work with the association to support them in creating business plans/programmes and establishing themselves as the voice for the community. Also working with the District Council and the developer on the fixtures and fittings for the community building.
- Final nine months to be the initial stages of the association undertaking management of the building, providing them with support and guidance.

2. Process for delivery

The Council will agree the work specification with the developer prior to the position being advertised, but it will involve responsibility for the co-ordination and development of activities to establish and strengthen the community and to establish the management of the community building.

The developer will be required to notify the Council of the anticipated date for commencement of the construction of the community building at least two months prior to the anticipated start date and the Council will provide an outline development plan for the management and programming of community activities within three months of commencement of the construction of the community building.

The Council will use reasonable endeavours to have the Community Development Worker in post nine months prior to the opening of the community building and continue to employ the Worker for 30 months in total.

3. Contributions

A financial contribution will be sought to enable the provision of a staff resource of 15 hours per week over thirty months. The contribution will be based on a full time salary of £26,500 per annum plus on costs (as at 2010), index linked. The payment of the contribution will become due once the Community Development Officer has been appointed.

Appendix K

Appendix K (i) - Flow chart for public art (to be added)

Appendix L

Appendix L

List of potential public realm projects to which contributions may be sought

- Bicester Market Square environmental improvement scheme
- Bicester historic town trail and visitor interpretation
- Signage for Bicester following redevelopment
- Creation of new public realm along the Oxford Canal through Banbury
- Refurbishment of town centre pedestrianised streets
- Upgrading of Church Lane and Church Walk and other areas excluded from Parsons St scheme
- Banbury historic town trail and visitor interpretation
- Creation of new public realm around the expanded Mill / proposed library Town

Appendix M

M(i) - Facilities for which contributions will be sought

- Community Hospital – Bicester
- Relocation of 21 West Bar Banbury
- Eco Town infrastructure
- Extensions where expansion/improvement required

M (ii) - Location of surgeries in Cherwell District and their capacity - to be updated with list of surgeries and capacity from PCT

Banbury Health Centre
Hightown Surgery, Banbury
Horse Fair Surgery, Banbury
West Bar Surgery, Banbury
Windrush Surgery, Banbury
Woodlands Surgery, Banbury

Bicester Health Centre, Bicester
Langford Medical Practice, Bicester
Montgomery House Surgery, Bicester
North Bicester Surgery, Bicester
Victoria House Surgery, Bicester

Cropredy Surgery

Deddington Health Centre

Hook Norton and Bloxham Surgeries

Sibford Gower Surgery

Kidlington and Yarnton Surgeries
Exeter Surgery, Kidlington
Gosford Hill Medical Centre, Kidlington

M (iii) - Cost of new build facilities per patient

The following information sets out how the figures used for the calculation of contributions used at paragraphs 30.5.4 and 30.5.5 of chapter 30 above.

Average floor space calculations are taken from gross internal areas of practices ranging from one to ten GPs.

Build cost calculations are taken from recent investment appraisals of new builds throughout the county and three are set out below. Build costs vary from £1,347 to £1,485 per m² Gross Internal Area and with the addition of land, fees and financing the build costs are more likely to be approximately £2,621 per m².

Surgery 1 – South Oxfordshire

Revenue		Costs		
gross	488		land	£500,000
net	448		finance	£33,000
per m	£185	£82,880	legals	£15,000
			stamp duty	£11,000
			ext fees	£2,000
			services	£2,000
			Off site works	-
			Section 106	-
			Total	£563,000
			Build & Fit	£475,000
			Total m	£320
			per m	£1,485
			Refurbish	£50,000
			Total	£1,088,000
Sub Total		£82,880		
Less 5% Ins. & Rep. Covenant		£4,144		
Net Rental		£78,736		

Surgery 2 – West Oxfordshire

Costs	
land	£100,000
stamp duty	£1,000
finance	£48,800
legals	£12,000
Planning/BR fees	£6,000
services	£13,000
enhanced cost of planning req.	£39,135
extraordinary site costs for archaeological costs, lighting, path	£34,290
total	£254,225

Design & Build, Project Mgt and Fit out		
total m	£691	
£ per metre	£1,347	
total		£930,563
vat		£182,335
total cost		£ 1,367,123

Surgery 3 – South Oxfordshire

DEVELOPMENT COSTS						
Site Assembly / Initial Costs:	Total Site Purchase Costs			£95,000		
	Stamp Duty Land Tax			£1,800		
	Other 3rd Party Initial "Site" Payments? (non-SDLT)			-		
	SPCD Surveyors Fees			£ -		
	SPCD Total Legals			£30,000		
	Planning Application			£2,000		
	Planning Related Agreements (S106, S38, S278 etc)			-		
	Planning Consultant			-		
	Building Regs			£6,000		
	Boundary / Party Wall / Levels / Tree Survey			£2,000		
	Sub-Soil Investigations			£5,000		
	Environmental Consultant			-		
	Traffic Impact Assessment / Travel Plan			£1,000		
	Total "Other Investigations"			-		
	Total Site Assembly / Initial Costs				£872,800	
Construction Costs:	Construction Abnormals (On-site)			£570,840		
	Overall Medical Centre (excl. Pharmacy)	£1,364	psq.m			
	Construction Cost	£1,350	psm GIA	£1,841,400		
	Pharmacy (finished shell only)	£150	psq.m			
	Construction Cost	£900	psm GIA	£ 135,000		

	Professional Fees					
	Project Manager	2%		£38,208.60		
	Architect	5%		£127,362		
	Quantity Surveyor	2%		£50,944.80		
	Structural Engineer	2%		£38,208.60		
	Mechanical & Electrical Engineer	2%		£38,208.60		
	CDM Planning Supervisor	1%		£12,736.20		
	Total "Other Prof. Fees"	0%		-		
	Total % Professional Fees		0.12			
	Prof. Disbursements			-		
	Contingency (not on Prof. Fees)	3%		£76,417.20		
	Total "Other Exceptional Costs"			-		
	Total Construction Costs				£2,929,326	
Interest:		Int. Rate	Period (weeks)			
	Site Assembly / Initial Costs	6%		£70,495.38		
	Construction	6%		£108,159.73		
	Post Practical-Completion Interest	6%		£18,372.84		
	Total Interest				£197,027.95	
Other Final / Misc. Items:	ADD BACK Any Income / Capital Receipts Anticipated Pre-Scheme Completion GP / Other Tenant Unavoidable Costs					
	Post Practical-Completion "Other Costs"			£5,000		
	Post Practical-Completion "Other Costs"			£5,000		
	Total Other Final / Misc. Costs				£10,000	
					Total Net Costs	£4,009,153.95

Appendix N

Appendix N (i) – Local Air Quality Management Areas – to be added

Appendix O

Frequently Asked Questions

What are planning obligations?

Planning obligations can provide a means of reconciling the aims and interests of developers with the need to safeguard the environment or to meet the costs imposed as a result of development. They may also be used to off-set the loss of or impact on any amenity or resource present on the site prior to development. They are either legal agreements or unilateral undertakings and are usually associated with the grant of planning permission for new development under powers given by Section 106 of the Town & Country Planning Act 1990.

What is a s106 agreement?

They are legal agreements and are entered into by the applicant, the Council and anyone else who has an interest in the land forming the application site.

What is a unilateral undertaking?

Instead of agreeing obligations through the standard process of negotiation and agreement between the Council and developer (s106 agreements), developers may prepare the terms of a planning obligation on their own, without prior discussion with the council. They bind one party, usually the developer to undertake planning obligations. These will then be submitted to the Council with an application and it is up to the Council to decide whether to accept it or not without negotiation.

Is my application liable for planning obligations?

This document seeks to provide guidance on the circumstances in which planning applications are liable to planning obligations and the types of obligations that may be sought. This allows any financial contributions and works required by the planning obligations to be factored into any land transactions and formulation of a scheme at a very early stage.

Local planning authorities, in determining planning applications, can only secure planning obligations where it can be demonstrated that such obligations are:

- Necessary (to make a proposal acceptable in planning terms);
- Directly related to the proposed development; and
- Fairly and reasonably related in scale and kind to the proposed development.

How are obligations monitored?

Planning obligations will be monitored throughout the development by the Council and if a joint obligation with Oxfordshire County Council they will also monitor the obligations, the cost of which will be provided for within the agreement.

Do I need a solicitor?

You do not necessarily need a solicitor but it may be worthwhile to seek professional advice, either through a solicitor or planning consultant/agent as legal agreements and unilateral undertakings are local land charges and bind the legal title of the land.

When are financial contributions to be paid?

All financial contributions (other than the legal costs and the monitoring fee which will be payable upon signing of the agreement) should be paid on first implementation of planning permission, or in accordance with a programme of agreed staged payments. All payments made through this process will be subject to interest charged at 2% on

top of the Bank of England's Base Rate from the date of the completion of the planning obligation.

Why are financial obligations subject to interest payments?

This keeps figures up to date after the agreement has been signed.

Why do I have to pay monitoring costs and legal fees?

The costs incurred in negotiating and drafting agreements or unilateral undertakings and subsequent monitoring is significant and are over and above the normal costs of dealing with planning applications.

The reasonable legal fees will need to be met even if the planning obligation is not completed.

What happens to payments?

Payments received by the Council will be held in a specific account so that they can be monitored and spent accordingly.

What happens if a development is not viable due to the level of planning obligations sought?

The Council recognises that in dealing with development proposals, financial viability concerns may arise. This does not include instances where developers acquire sites without permission at unrealistically high prices and seek reductions in the level of planning obligations. In some exceptional cases the Council may need to prioritise obligations to manage the most significant impacts of development.

Where a disagreement arises about financial viability and the level of planning obligations sought, the applicant/developer will be required to provide the Council with evidence to support their case.

A development may need to meet a range of provisions in order to conform to policy and make it acceptable in planning terms. If the development cannot sufficiently mitigate its impacts planning permission will be refused.

Appendix P

Appendix P - Glossary

Affordable Housing

Includes social rented and intermediate housing, provided to specified eligible households whose needs are not met by the market.

Amenity

A positive element or elements that contribute to the overall character or enjoyment of an area. For example, open land, trees, historic buildings and the inter-relationship between them, or less tangible factors such as tranquillity.

Annual Monitoring Report (AMR)

A report submitted to Government by local planning authorities containing a review of progress in preparing Local Development Documents, showing what the planning policies are achieving, whether the impacts of policies are as predicted and whether changes are needed.

Biodiversity

The whole variety of life on earth. It includes all species of plants and animals, their genetic variation and the ecosystems of which they are a part.

Brownfield

Previously-developed land (PDL). In the sequential approach this is preferable to greenfield land. Previously-developed land is that which is or was occupied by a permanent structure (excluding agricultural or forestry buildings), and associated fixed surface infrastructure. The definition covers the curtilage of the development. Previously-developed land may occur in both built-up and rural settings.

Childrens Play Area

An area of land which encompasses children's play equipment.

Code for Sustainable Homes (DCLG December 2008)

The Code for Sustainable Homes is a national standard to be used in the design and construction of new homes in England, intended to encourage continuous improvement in sustainable home building. The sustainability of (voluntarily builder-nominated) new homes is scored according to a six star rating system over nine key areas of design principles: Energy and CO₂, Water, Materials, Surface water run-off, Waste, Pollution, Health and well being, Management, and Ecology. The score enables home buyers to make a more informed purchase decision.

Community Facilities

Facilities available for use by the community. Examples include village halls, doctors' surgeries, pubs, churches and children play areas. It may also include areas of informal open space and sports facilities.

Conservation Area

An area of special architectural and/or historical interest, the character or appearance of which it is desirable to preserve or enhance. It is a recognition of the value of a group of buildings and their surroundings and the need to protect not just individual buildings but the character of the area as a whole.

Core Strategy (CS)

A Development Plan Document setting out a long term spatial vision and spatial strategy which will provide a strategic framework for more detailed Development Plan Documents.

Development Form

The layout, density, scale (height and massing), appearance (materials and details) and landscape of development.

Development Plan

The statutory term used to represent the plans/documents that apply to a particular area, which includes Development Plan Documents.

Development Plan Documents (DPDs)

Documents which make up the LDF, including the core strategy and the sites allocations DPD.

Discount Sale

Discounted sale homes have a simple discount for the purchaser on its market price, so the purchaser buys the whole home at a reduced rate.

Ecology

The interactions and relationships between plants, animals and their environment.

Energy Efficiency

Ability to make efficient use of the available energy resources; homes, vehicles, and businesses more energy efficient is seen as a largely untapped solution to addressing global warming. An alternative definition is - the extent to which the use of energy is reduced through the way in which buildings are constructed and arranged on site.

Evidence Base

The information and data gathered by local authorities to ensure the “soundness” of the policy approach set out in Local Development Documents.

Extra Care Housing

Specialist housing for people, aged not less than 55 years, who have assessed needs for personal care and/or support, as well as for housing.

Green Infrastructure Strategy

A planned network of multifunctional greenspace set within, and contributing to a high quality natural and built environment. Green Infrastructure is an essential requirement for the enhancement of quality of life, for existing and future generations, and an integral element in the delivery of ‘liveability’ for sustainable communities.

Habitat

The natural home or environment of a plant or animal.

Heads of Terms

Heads of Terms is a document setting out the particular items of a s106 agreement as agreed in principle between the council and developer.

Infrastructure

All aspects of land or development, works and facilities required to support new development (includes drainage, water supply, roads).

Intermediate Rent Housing

Affordable housing at prices and rents above those of social rent but below market price or rents.

Local Area for Play (LAP)

Small Areas of open space specifically designated for toddlers and young children up to 6 years old for play activities within 1 minute walking time from where they live.

Local Equipped Area for Play (LEAP)

Areas of open space designated and equipped for children of early school age (4-8 years) for play within 5 minutes walking time from where they live.

Local Development Documents (LDDs)

Documents which form part of the Local Development Framework, which include Development Plan Documents, Supplementary Planning Documents and a Statement of Community Involvement.

Local Development Framework (LDF)

The Local Development Framework is a folder of documents containing the local planning authority's Local Development Documents and other documents including the Annual Monitoring Report.

Local Transport Plan

A transport strategy prepared by the County Council.

Major development

- For residential development - 10 or more units of residential accommodation or a site area exceeding 0.5 hectares where it is not known how many dwellings are to be created.
- For non-residential development - where the floor space to be built is 1000 m² or more or the development site area is 1 hectare or more.

Mitigation measures

These are measures requested/ carried out in order to limit the damage by a particular development/ activity.

Neighbourhood Equipped Area for Play (NEAP)

Sites designated and equipped mainly for older children (8 years upwards) but with opportunities for play for younger children within 15 minutes walking time from where they live.

Planning Obligation

Obligations (either planning agreements or unilateral undertakings) associated with the grant of planning permission under powers given by Section 106 of the Town & Country Planning Act 1990.

Pooled Contributions

Where the combined impact of a number of developments creates the need for infrastructure or facilities, associated developers' contributions can be pooled, in order to allow the required infrastructure to be secured in a fair and equitable way.

Public Art

Physical works of art in public places. These can range from sculpture to more functional works made by artists and crafts people (such as gates, fences, railings,

benches, paving and lighting). Public art can also be temporary works of art in the public realm.

Public Open Space (POS)

Any land laid out as public garden or used for the purposes of public recreation.

Public Realm Urban Spaces to which the public predominantly have access

Remediation works

The work needed to raise the quality of land to an acceptable level before it is used or developed. For example, contaminated land may need pollutants removed.

Section 38

A Section 38 Agreement (under the 1980 Highways Act) is the mechanism between the Council as highway authority with a builder who will construct new roads to the Council's standards for subsequent adoption.

Section 106

Section 106 Agreements are an effective way of securing measures to overcome the negative impacts of generally acceptable development proposals on the environment, economy and community. They are entered into by the applicant, the Council and anyone else who has an interest in the land forming the application site.

Section 278

A financial mechanism which is an arrangement under the 1980 Highways Act through which a developer pays for the highway improvements works and their future maintenance.

Shared Equity

Shared equity is where more than one party has an interest in the value of the home eg an equity loan arrangement or a shared ownership lease. There may be a charge on the loan, and restrictions on price, access and resale.

Shared Ownership

A form of shared equity under which the purchaser buys an initial share in a home from a housing provider who retains the remainder and may charge a rent. The purchaser may buy additional shares ('staircasing'), and this payment should be 'recycled' for more affordable housing. In most cases, a purchaser may buy the final share ('staircase out') and own the whole home, though this may be restricted in some rural areas.

Social Rented Housing

This is rented housing owned and managed by local authorities and registered social landlords, for which guideline target rents are determined through the national rent regime. It may also include rented housing owned or managed by other persons and provided under equivalent rental arrangements to the above, as agreed with the local authority or with the Housing Corporation as a condition of grant.

Standard charges

Standard charges are a set of general formulae that are used to estimate the amount of contributions that are likely to be sought for a particular type of development, based on a local planning authority's policies and evidence of the common impacts of development. These will then be enforced through a planning obligation.

Supplementary Planning Documents (SPD)

Where prepared under the new planning system, Supplementary Planning Documents will be included in the Local Development Framework and will form part of the planning framework for the area. Supplementary Planning Documents may cover a range of issues, both topic and site specific, which may expand policy or provide further detail in respect of policies in a Development Plan Document.

Sustainable Development

In broad terms this means development that meets the needs of the present without compromising the ability of future generations to meet their own needs. The Government has set out five guiding principles for sustainable development in its strategy '*Securing the future - UK Government strategy for sustainable development*'. The five guiding principles, to be achieved simultaneously, are: Living within environmental limits; Ensuring a strong healthy and just society; Achieving a sustainable economy; Promoting good governance; and Using sound science responsibly.

Sustainable Urban Drainage Systems (SUDS)

SUDS seek to manage surface water as close to the source as possible, mimicking surface water flows arising from a site prior to the proposed development. Typically SUDS involve a move away from piped systems to softer engineering solutions inspired by natural drainage processes.

Travel Plan A travel plan aims to promote sustainable travel choices (for example, cycling) as an alternative to single occupancy car journeys that may impact negatively on the environment, congestion and road safety. Travel plans can be required when granting planning permission for new developments.

Unilateral Undertaking

Instead of agreeing obligations through the standard process of negotiation and agreement between the Council and developer, developers may prepare the terms of a planning obligation on their own, without prior discussion with the council. These will then be submitted to the Council.