

# Appendix 3

## CONSULTATION STATEMENT

### DEVELOPER CONTRIBUTIONS SUPPLEMENTARY PLANNING DOCUMENT

February 2018

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

#### 1. Purpose and Background

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

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

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

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

1.4 The purpose of the Developer Contributions SPD is to set out the Council's approach to seeking Section 106 planning obligations and their operation.

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

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

1.7 This Statement of Consultation includes a record of the following stages of consultation:

##### Stage A: Initial Preparation

- Consultation which informed the preparation of the first draft of the SPD

##### Stage B: Public Consultation 14 November 2016 – 9 January 2017

- Formal consultation on a first draft of the Developer Contributions SPD.

Stage C: Public Consultation 23 November 2017 – 21 December 2017

- Formal consultation on a second draft of the Developer Contributions SPD.

# STAGE A

## **CONSULTATION STATEMENT**

### **DEVELOPER CONTRIBUTIONS SUPPLEMENTARY PLANNING DOCUMENT**

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

#### **1. Purpose and Background**

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

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

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

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

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

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

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

#### **2. Consultation undertaken during early preparation of Draft SPD**

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

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

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

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

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

### 4. Responses

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

### 5. Conclusion

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

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

## Appendix 1

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

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

## **Parish Council Workshops**

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

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

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

## **Issues Raised Specific to S106 Agreements**

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

## **Appendix 2: Where and When to Inspect Documents**

**[www.cherwell.gov.uk/policypublicconsultation](http://www.cherwell.gov.uk/policypublicconsultation)**

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

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

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

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

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

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

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

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

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

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

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

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

For details of locations and times of the mobile library visit [www.oxfordshire.gov.uk](http://www.oxfordshire.gov.uk) or phone 01865 810240

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

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

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

# STAGE B

## **CONSULTATION STATEMENT**

### **DEVELOPER CONTRIBUTIONS SUPPLEMENTARY PLANNING DOCUMENT**

**November 2017**

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

#### **Purpose and Background**

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- The persons the local planning authority consulted when preparing the supplementary planning document;
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- How those issues have been addressed in the supplementary planning document.

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

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

The purpose of the Developer Contributions SPD is to set out the Council's approach to seeking Section 106 planning obligations and their operation.

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

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

#### **Previous Consultation**

Details of the key consultations undertaken during the early preparation of the Developer Contributions SPD is set out in the Statement of Consultation which was published alongside the November 2016 Draft Developer Contributions SPD. These documents are available on the Council's website.

## **Public Consultation 14 November 2016 – 9 January 2017**

### **Consultation arrangements**

On 14 November 2016 the Council published a Draft Developer Contributions SPD for consultation. The consultees listed in the Statement of Community Involvement and anyone who had registered on the Council's database were notified by letter or email and were asked to comment on the Draft SPD.

Hard copies were also placed at deposit locations across the district including libraries and Council offices.

Press Coverage: The statutory public notice was placed in the following newspapers:

- Oxford Mail (10 November 2016)
- Bicester Advertiser (10 November 2016)
- Banbury Guardian (10 November 2016)

Press releases regarding the consultation were also published on the Council's Facebook and Twitter pages.

A copy of the Public Notice is attached at Appendix 1.

Staffed public exhibitions were held during November and December 2016 at:

- Castle Quay Shopping Centre, Banbury OX16 5UN on Saturday 26 November 2016 from 10.00am to 6.00pm.
- Franklins House, Wesley lane, Bicester, OX2 6JU on Saturday 3 December 2016 from 10.00am to 6.00pm.
- The Pavilion, Cutteslowe Park, Oxford OX2 8ES on Saturday 10 December 2016 from 10.00am to 6.00pm.
- Exeter Hall, Exeter Close, Kidlington OX5 1AB on Monday 19 December 2016 from 2.00pm to 9.00pm.

### **Town & Parish Council/Meeting Workshops**

Two Town and Parish Workshops took place for parishes in the south and north of the district on 7 and 12 December 2016 respectively. The workshops took the form of group discussions on the following agenda items.

- Partial Review – Context/Approach
- Draft Vision and Strategic Objectives
- Considering and Delivering Options
- CIL and Draft Developer Contributions SPD

On arrival, parishes were split into groups and each group discussed each agenda item. The group discussions were facilitated by a member of the Planning Policy Team with support from other officers.

A detailed note of the workshops can be found at Appendix 5

### **Stakeholder Workshop**

A focussed stakeholder workshop was held at Bodicote House on Tuesday 13 December 2016.

A detailed note of the workshop can be found at Appendix 6

### **Representations Received**

A total of 25 representations were received. A table providing a full summary of each representation is attached at Appendix 7.

### **How have they been considered?**

Each of the representations has been considered in detail and where necessary further engagement with infrastructure/service providers has taken place. Where appropriate, suggested changes have been incorporated in the revised document. For example, additional information has been included on affordable housing and viability; and advice on the direct delivery of infrastructure has been included. Some further clarifications have been provided particularly in view of the fact that the Council is not taking work forward work on CIL ahead of the Government's 2017 Autumn Statement.

### **Further Consultation on the Draft SPD**

Further public consultation on the draft SPD will now be undertaken. A number of methods will be used in accordance with the Council's Statement of Community Involvement, particularly as follows:

- **Mail out:** information will be sent to all persons registered on the Council's consultation database, including specific, general and prescribed bodies. This will be undertaken by email or letter.
- **Website:** the SPD will be published on the Council's website.
- **Hard copies:** the SPD will be available in hard copies at deposit locations throughout the District.
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### **Responses**

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

### **Conclusion**

The production of the current draft Developer Contributions SPD has involved wide ranging stakeholder consultation and a formal public consultation exercise. This has directly influenced both early development and later refinement of the document. In view of the major redrafting of the draft SPD as a result of the decision to 'pause' the introduction of CIL at Cherwell District Council a further round of Public consultation will now take place in accordance with statutory regulations.

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

## **Appendices**

- 1. Public Notice**
- 2. Consultation letters/emails**
- 3. Consultation Poster**
- 4. Representation Form**
- 5. Town and parish Workshops – Attendees and Main Issues Raised**
- 6. Stakeholder Workshop – Attendees and Main Issues Raised**
- 7. Summary of Representations received.**



DISTRICT COUNCIL  
NORTH OXFORDSHIRE

**PLANNING POLICY CONSULTATIONS**  
**14 NOVEMBER 2016 TO 9 JANUARY 2017**

**Partial Review of the Cherwell Local Plan (Part 1): Oxford's Unmet Housing Need – Options Paper**

Consultation is being undertaken to inform a Partial Review of Local Plan Part 1, specifically to help meet Oxford's unmet housing need. An Options Consultation Paper is being published and comments are invited. The Options Paper and related documents, including an Interim Sustainability Appraisal Report and representation form, are available to view on line at [www.cherwell.gov.uk/planningpolicyconsultation](http://www.cherwell.gov.uk/planningpolicyconsultation) or at the locations listed.

**Community Infrastructure Levy (CIL) Draft Charging Schedule**

A CIL Draft Charging Schedule is being published for consultation. CIL is a planning charge introduced as a mechanism for local authorities to help deliver infrastructure to support the development of their area. The Draft Charging Schedule sets out the proposed CIL rates and the geographical areas for the three residential rates.

**Draft Developer Contributions Supplementary Planning Document (SPD)**

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

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Friday 10am- 5pm, Saturday 9.30am – 1pm

**Bicester Town Council**, The Garth, Launton Road, Bicester, OX26 6PS

Monday – Thursday 9am – 5pm, Friday 9am – 4pm

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**Kidlington LinkPoint**, Exeter Hall, Oxford Road, Kidlington, Oxon, OX5 1AB

8.45am (10am Wednesday) to 5.15pm Monday to Friday

**The Partial Review documents will also be available at:**

**Oxford City Council**, St Aldate's Chambers, 109 St Aldates, Oxford, OX1 1DS

Monday to Thursday 9am - 5pm, Friday 9am - 4.30pm

**Old Marston Library**, Mortimer Hall, Oxford Road, Old Marsden, Oxford, OX3 0PH

Tuesday 2pm - 5pm, 5.30pm - 7pm, Thursday 2pm - 5pm and 5.30pm - 7pm, Friday 10am - 12pm and 2pm - 5pm, Saturday 9.30am - 12.30pm

**Summertown Library**, South Parade, Summertown, Oxford, OX27JN Monday 9am - 5.30pm, Tuesday 9.30am - 7pm, Thursday 9.30am - 7pm, Friday 9.30am - 5.30pm, Saturday 9am - 4.30pm

### **Submitting Comments**

**Comments on the Partial Review Options Paper, the Interim Sustainability Appraisal Report, CIL Draft Charging Schedule or Draft Developer Contributions SPD should be sent to:**

By email to [PlanningPolicyConsultation@cherwell-dc.gov.uk](mailto:PlanningPolicyConsultation@cherwell-dc.gov.uk)

Or by post to:

Planning Policy Team, Strategic Planning and the Economy  
Cherwell District Council, Bodicote House  
Bodicote. Banbury, OX15 4AA.

**Comments should be received no later than Monday 9 January 2017. Any comments received will be made publicly available.**

**S SMITH, CHIEF EXECUTIVE**

# Strategic Planning & the Economy

Adrian Colwell – Head of Strategic Planning & the Economy

# Cherwell

DISTRICT COUNCIL  
NORTH OXFORDSHIRE

*Bodicote House  
Bodicote  
Banbury  
Oxfordshire  
OX15 4AA*

*www.cherwell.gov.uk*

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Please ask for:	Tony Crisp	Direct Dial:	01295 227985
Email:	<a href="mailto:planning.policy@cherwell-dc.gov.uk">planning.policy@cherwell-dc.gov.uk</a>	Our Ref:	Partial Review / CIL / 106

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11 November 2016

Dear Sir/Madam

## **Notification of Planning Policy Consultations:**

### **Partial Review of the Cherwell Local Plan (Part 1): Oxford's unmet housing need – Options Consultation**

### **Community Infrastructure Levy (CIL) Draft Charging Schedule**

### **Draft Developer Contributions Supplementary Planning Document (SPD)**

Please find enclosed a copy of a public notice about consultations on the above planning policy documents. The consultation period extends from Monday 14 November 2016 to Monday 9 January 2017.

You have been sent this notification as your contact details are on our Local Plan database. If you no longer wish to be informed of our planning policy consultations then please let us know by telephoning 01295 227985 or by emailing [planning.policy@cherwell-dc.gov.uk](mailto:planning.policy@cherwell-dc.gov.uk).

**Please note that we now have a separate email address for consultation responses. This is [PlanningPolicyConsultation@cherwell-dc.gov.uk](mailto:PlanningPolicyConsultation@cherwell-dc.gov.uk).** Hard copies can still be posted.

Yours faithfully

*David Peckford*

David Peckford  
Planning Policy Team Leader



## **PLANNING POLICY CONSULTATIONS 14 NOVEMBER 2016 TO 9 JANUARY 2017**

### **Partial Review of the Cherwell Local Plan (Part 1): Oxford's Unmet Housing Need – Options Paper**

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### **Draft Developer Contributions Supplementary Planning Document (SPD)**

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**Bicester LinkPoint**, Franklins House, Wesley Lane, Bicester, OX26 6JU  
8.45am (10am Wednesday) to 5.15pm Monday to Friday

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

**The Partial Review documents will also be available at:**

**Oxford City Council**, St Aldate's Chambers, 109 St Aldates, Oxford, OX1 1DS  
Monday to Thursday 9am - 5pm, Friday 9am - 4.30pm

**Old Marston Library**, Mortimer Hall, Oxford Road, Old Marsden, Oxford, OX3 0PH  
Tuesday 2pm - 5pm, 5.30pm - 7pm, Thursday 2pm - 5pm and 5.30pm - 7pm, Friday 10am -  
12pm and 2pm - 5pm, Saturday 9.30am - 12.30pm

**Summertown Library**, South Parade, Summertown, Oxford, OX27JN Monday 9am - 5.30pm,  
Tuesday 9.30am - 7pm, Thursday 9.30am - 7pm, Friday 9.30am - 5.30pm, Saturday 9am -  
4.30pm

**Submitting Comments**

**Comments on the Partial Review Options Paper, the Interim Sustainability Appraisal  
Report, CIL Draft Charging Schedule or Draft Developer Contributions SPD should be  
sent to:**

By email to [PlanningPolicyConsultation@cherwell-dc.gov.uk](mailto:PlanningPolicyConsultation@cherwell-dc.gov.uk)

Or by post to:

Planning Policy Team, Strategic Planning and the Economy  
Cherwell District Council, Bodicote House  
Bodicote. Banbury, OX15 4AA.

**Comments should be received no later than Monday 9 January 2017. Any comments  
received will be made publicly available.**

**S SMITH, CHIEF EXECUTIVE**

## **PlanningPolicyConsultation**

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**From:** PlanningPolicyConsultation  
**Sent:** 11 November 2016 19:19  
**Subject:** Cherwell District Council - Notification of Planning Policy Consultations7

Dear Sir/Madam

### **Notification of Planning Policy Consultations:**

**Partial Review of the Cherwell Local Plan (Part 1): Oxford's unmet housing need – Options Consultation**

**Community Infrastructure Levy (CIL) Draft Charging Schedule**

**Draft Developer Contributions Supplementary Planning Document (SPD)**

Please find enclosed a copy of a public notice about consultations on the above planning policy documents. The consultation period extends from Monday 14 November 2016 to Monday 9 January 2017.

You have been sent this notification as your contact details are on our Local Plan database. If you no longer wish to be informed of our planning policy consultations then please let us know by telephoning 01295 227985 or by emailing [planning.policy@cherwell-dc.gov.uk](mailto:planning.policy@cherwell-dc.gov.uk).

**Please note that we now have a separate email address for consultation responses. This is [PlanningPolicyConsultation@cherwell-dc.gov.uk](mailto:PlanningPolicyConsultation@cherwell-dc.gov.uk).** Hard copies can still be posted.

Yours faithfully

*David Peckford*

David Peckford  
Planning Policy Team Leader

### **Partial Review of the Cherwell Local Plan (Part 1): Oxford's Unmet Housing Need – Options Paper**

Consultation is being undertaken to inform a Partial Review of Local Plan Part 1, specifically to help meet Oxford's unmet housing need. An Options Consultation Paper is being published and comments are invited. The Options Paper and related documents, including an Interim Sustainability Appraisal Report and representation form, are available to view on line at [www.cherwell.gov.uk/planningpolicyconsultation](http://www.cherwell.gov.uk/planningpolicyconsultation) or at the locations listed.

### **Community Infrastructure Levy (CIL) Draft Charging Schedule**

A CIL Draft Charging Schedule is being published for consultation. CIL is a planning charge introduced as a mechanism for local authorities to help deliver infrastructure to support the development of their area. The Draft Charging Schedule sets out the proposed CIL rates and the geographical areas for the three residential rates.

### **Draft Developer Contributions Supplementary Planning Document (SPD)**

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

## Document Locations

On-line at: [www.cherwell.gov.uk/planningpolicyconsultation](http://www.cherwell.gov.uk/planningpolicyconsultation)

Hard copies at the locations below during opening hours:

**Cherwell District Council Offices**, Bodicote House, Bodicote, Banbury, OX15 4AA

8.45am - 5.15pm Monday to Friday

**Banbury Town Council**, the Town Hall, Bridge Street, Banbury, OX16 5QB

Monday to Thursday 9am - 4.45pm, Friday 9am - 4pm

**Banbury Library**, Marlborough Road, Banbury, OX16 5DB

Monday 9am – 1pm, Tuesday 9am - 7pm, Wednesday 9am – 8pm, Thurs and Friday 9am – 7pm, Saturday 9am – 4.30pm

**Neithrop Library**, Community Centre, Woodgreen Avenue, Banbury, OX16 0AT

Monday 10am – 7pm, Wednesday 2pm – 5pm, Thursday 10am – 1pm,

Friday 10am- 5pm, Saturday 9.30am – 1pm

**Bicester Town Council**, The Garth, Launton Road, Bicester, OX26 6PS

Monday – Thursday 9am – 5pm, Friday 9am – 4pm

**Bicester Library**, Franklins House, Wesley Lane, Bicester, OX26 6JU

Monday 9.30am – 7pm, Tuesday 9.30-5pm, Wednesday and Thursday 9.30am – 7pm, Friday 9.30am – 5pm, Saturday 9am-4.30pm

**Kidlington Library**, Ron Groves House, 23 Oxford Road, Kidlington, OX5 2BP

Monday 9.30am – 5pm, Tuesday 9.30am – 7pm, Wednesday 9.30am – 1pm, Thursday

9.30am – 5pm, Friday 9.30am – 7pm, Saturday 9.00am – 4.30pm

**Adderbury Library**, Church House, High Street, Adderbury, OX17 3LS

Tuesday: 10 am –12 noon & 3 – 7pm, Thursday: 2pm – 5pm & 6 – 7pm, Friday: 10am – 12 noon & 2 pm – 5pm, Saturday: 9.30 am –1pm

**Deddington Library**, The Old Court House, Horse Fair, Deddington, Oxon. OX15 0SH

Monday 2pm - 5pm, 5.30pm - 7pm, Wednesday 9.30am - 1pm, Thursday

2pm - 5pm, 5.30pm - 7pm, Saturday 9.30am - 1pm

**Hook Norton Library**, High Street, Hook Norton, Banbury, Oxon, OX15 5NH

Monday 2pm - 5pm, 6pm - 7pm, Wednesday 2pm - 5pm, Friday 2pm - 5pm, 6pm - 7pm, Saturday 9.30am - 12.30pm

**Banbury LinkPoint**, 43 Castle Quay, Banbury, Oxfordshire, OX15 5UW

8.45am (10am Wednesday) to 5.15pm Monday to Friday

**Bicester LinkPoint**, Franklins House, Wesley Lane, Bicester, OX26 6JU

8.45am (10am Wednesday) to 5.15pm Monday to Friday

**Kidlington LinkPoint**, Exeter Hall, Oxford Road, Kidlington, Oxon, OX5 1AB

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**Old Marston Library**, Mortimer Hall, Oxford Road, Old Marsden, Oxford, OX3 0PH Tuesday 2pm - 5pm, 5.30pm - 7pm, Thursday 2pm - 5pm and 5.30pm - 7pm, Friday 10am - 12pm and 2pm - 5pm, Saturday 9.30am - 12.30pm

**Summertown Library**, South Parade, Summertown, Oxford, OX27JN Monday 9am - 5.30pm, Tuesday 9.30am - 7pm, Thursday 9.30am - 7pm, Friday 9.30am - 5.30pm, Saturday 9am - 4.30pm

## Submitting Comments

**Comments on the Partial Review Options Paper, the Interim Sustainability Appraisal Report, CIL Draft Charging Schedule or Draft Developer Contributions SPD should be sent to:**

By email to [PlanningPolicyConsultation@cherwell-dc.gov.uk](mailto:PlanningPolicyConsultation@cherwell-dc.gov.uk)

Or by post to:

Planning Policy Team, Strategic Planning and the Economy  
Cherwell District Council, Bodicote House  
Bodicote, Banbury, OX15 4AA.

**Comments should be received no later than Monday 9 January 2017. Any comments received will be made publicly available.**

**S SMITH, CHIEF EXECUTIVE**

# Public Consultation

## 14 November 2016 to 9 January 2017

### Cherwell Local Plan Partial Review - Oxford's Unmet Housing Need



## Options Consultation - Your Chance to Comment

Cherwell District Council is undertaking a Partial Review of its Local Plan to determine how it can help Oxford with its unmet housing need.

It would like your views in preparing the Review.

All Oxfordshire Councils have accepted that Oxford cannot fully meet its own housing needs.

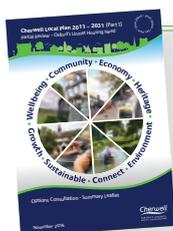
As its contribution, Cherwell District is being asked to accommodate 4,400 homes by 2031 in addition to the housing planned to meet its own needs.

Cherwell District Council has previously sought views on the issues it needs to consider in planning for the additional

development. It has considered these comments and is now consulting on options for housing development.

### Are you also interested in how Cherwell funds its development infrastructure?

Cherwell District Council is also consulting on its draft Community Infrastructure Levy (CIL) and a Draft Developer Contributions Supplementary Planning Document.



**View the documents** The consultation documents are available on-line at [www.cherwell.gov.uk/planningpolicyconsultation](http://www.cherwell.gov.uk/planningpolicyconsultation). Or contact Cherwell District Council on 01295 227985 for details on where you can view hard copies

**Hear more details** Speak to Cherwell officers at public exhibitions:

- Castle Quay Shopping Centre, Banbury OX16 5UN – Saturday 26 November 2016 -10am to 6pm
- Franklins House, Wesley Lane, Bicester, OX26 6JU – Saturday 3 December 2016 -10am to 6pm
- The Pavillion, Cutteslowe Park, Oxford OX2 8ES – Saturday 10 December 2016 -10am to 6pm
- Exeter Hall, Exeter Close, Kidlington OX5 1AB – Monday 19 December 2016 - 2pm to 9pm



## Have your say

**Submit your comments to:**  
PlanningPolicyConsultation@cherwell-dc.gov.uk

**Or by post to:** Planning Policy Team, Strategic Planning and the Economy,  
Cherwell District Council, Bodicote House, Bodicote, Banbury, OX15 4AA

For more information call 01295 227985

**DRAFT DEVELOPER CONTRIBUTIONS SUPPLEMENTARY PLANNING DOCUMENT (SPD)  
Regulations 12b and 13 of the  
Town and Country Planning (Local Planning) (England) Regulations 2012**

**PROPOSED COMMUNITY INFRASTRUCTURE LEVY (CIL) DRAFT CHARGING SCHEDULE  
Regulation 15 of the  
Community Infrastructure Levy (CIL) Regulations (2010; as amended)**

**Representation Form**

Cherwell District Council is currently consulting on two documents to help the funding of infrastructure such as schools, road improvements, community facilities and open space needed to support new growth in the district.

- 1. Draft Developer Contributions Supplementary Planning Document (SPD)**  
A new guidance document setting out what contributions developers should be asked to make when they submit a planning application.
- 2. Community Infrastructure Levy (CIL) Draft Charging Schedule**  
A proposed new charge on new development to help fund strategic infrastructure in Cherwell.

They are available to view and comment on from **14 November 2016 – 9 January 2017**.

To view and comment on both documents please visit  
[www.cherwell.gov.uk/planningpolicyconsultation](http://www.cherwell.gov.uk/planningpolicyconsultation).

The consultation documents are also available to view at public libraries across the Cherwell District, at the Council's Linkpoints at Banbury, Bicester and Kidlington, at Banbury and Bicester Town Councils and Cherwell District Council's main office at Bodicote House, Bodicote, Banbury.

You may wish to use this representation form to make your comments. Please e-mail your comments to [planningpolicyconsultation@cherwell-dc.gov.uk](mailto:planningpolicyconsultation@cherwell-dc.gov.uk) or post to Planning Policy Team, Strategic Planning and the Economy, Cherwell District Council, Bodicote House, Bodicote, Banbury, OX15 4AA no later than Monday 9 January 2017.

You should receive a written acknowledgement. Email acknowledgements will be sent automatically by return. Acknowledgements by post should be received within five working days of your response being received. If you do not receive a written acknowledgement, please contact the Planning Policy Team on 01295 227985.

Please note that all comments received will be made publicly available.

**Representations must be received by Monday 9 January 2017**

**Please provide the following details:**

NAME: .....

ADDRESS: .....

.....

EMAIL: .....

TEL NO:

AGENT  
NAME: .....

AGENT  
ADDRESS: .....

.....

AGENT  
EMAIL: .....

AGENT  
TEL NO: .....

Your details will be added to our mailing list and you will be kept informed of future progress of this document and other Local Plan documents. If you wish to be removed from this mailing list please contact the Planning Policy team. Details are at the bottom of this representation form.

<p><b>1. DRAFT DEVELOPER CONTRIBUTIONS SUPPLEMENTARY PLANNING DOCUMENT</b></p> <p><b>Do you have any comments on the Draft Developer Contributions SPD?</b> Please make it clear to which part of the Charging Schedule your comments relate.</p>
---

**2.COMMUNITY INFRASTRUCTURE LEVY (CIL) DRAFT CHARGING SCHEDULE**

**Do you have any comments on the Proposed CIL Draft Charging Schedule?**

Please make it clear to which part of the Charging Schedule your comments relate.

**Please continue on another sheet if necessary.**

**Thank you for taking the time to respond to this consultation. Please ensure your comments are submitted by 9 January 2017.**

**Cherwell District Council- Local Plan Part 1-Partial Review****Developer Contributions and CIL****Parish Workshop (Bicester) Wednesday 7 December 2016****6pm – 8pm****Purpose:**

Parish Councils were invited to a consultation workshop as part of the Options consultation on the Partial Review of the Cherwell Local Plan Part 1 during November 2016 – January 2017. The Draft Developer Contributions Supplementary Planning Document and Draft Charging Schedule for the Community Infrastructure Levy were also discussed at the workshops. The workshops took the form of group discussions on the agenda items set out below (the agenda was circulated in advance to the parishes). On arrival, parishes were split into groups and each group discussed each agenda item. The group discussions were facilitated by a member of the Planning Policy team with support from a colleague. This document summarises the discussions that took place.

Two workshops took place for parishes in the south and north of the District on 7 and 12 December 2016 respectively.

**Agenda:**

- Introduction to the workshop and the consultation documents given by David Peckford, Planning Policy Team Leader, Cherwell District Council

Discussion on the following agenda items took place amongst each individual table group:

- Partial Review – Context/Approach
- Draft Vision and Strategic Objectives
- Considering and Delivering Options
- Developer Contributions SPD and CIL

<b>Table Number</b>	<b>Facilitator and Assistant</b>	<b>Parish Councils</b>
1	Sharon Whiting & Chris Cherry	Islip
		Kidlington
		Yarnton
		Cllr Billington (Kidlington PC)
		Cllr Simpson (Kidlington PC)
2	Maria Dopazo & Andy Bowe	Cllr Sibley(Bicester TC)
		Cllr Lis (Bicester TC)
		Chesterton
		Launton
		Wendlebury
3	Chris Thom & Lewis Banks- Hughes	Blackthorn
		Caversfield
		Middleton Stoney
		Piddington

		Woodstock
4	Yuen Wong & Sunita Burke	Fringford
		Kirtlington
		Noke
		Launton
		Shipton on Cherwell

**Table 1****Partial Review – Context/Approach**

- 4400 is a large figure.
- There are pressures from the City to have housing close to Oxford.
- Oxford housing need is unique. It is different from the rest of the County.
- The need is for affordable housing
- The Council's policy is for 35% affordable housing which the Council is not always achieving.
- If the housing goes to Banbury and Bicester there will be traffic congestion for commuters
- Need a balance of housing and employment in Oxford to reduce 'in' commuting.
- Oxford should use employment sites for housing
- Reference to employment site at Langford Lane
- SW refers to emerging Transport Strategy
- Problems with convenience and price of P&R sites
- The road network around Oxford is a major constraint
- Problems of traffic congestion in Islip
- Need to solve problems of infrastructure before considering new housing
- How CIL and S106s agreements will deliver infrastructure

**Draft Vision and Strategic Objectives**

- The partial review should have the same vision as the adopted Cherwell Local Plan
- Impact on 5 year housing land supply
- Discussion around the release of MOD land eg Arncott
- Is Oxford City delivering housing on the scale required? Why are the build rates below expectation?
- SW refers to 'Duty to Co-operate' and commitment in adopted Plan to meet Oxford's needs.
- Should there be compensation for loss of Green Belt and enhancement of remaining Green Belt?
- SW refers to new Cherwell DC Green Belt Study

**Considering and Delivering Options**

- Concerns expressed about Oxford taking over parts of Kidlington and Gosford
- Need a radical public transport solution for Oxford
- Major development will radically change character of Kidlington. This is a major social issue
- Would be helpful to know about proposed housing in adjacent districts – cumulative impacts

- Railway connections a key component of Transport Study
- SW advised that there would need to be a dialogue with railway companies
- Are there the resources in Banbury and Bicester to build houses?
- Questions about sustainability of 'deliverability' of sites
- The Green Belt is not sacrosanct
- Need to assess capacity on railways

### **Developer Contributions SPD and CIL**

- SW gave a brief introduction and description of these documents

### **Summary of Key Issues**

- Can we seek contributions from the City for infrastructure in Cherwell?
- 4400 house seems high
- Need infrastructure before houses
- Traffic congestion and transport are key concerns
- If it is Oxford's need why does Cherwell need to fund it?
- Lack of progress on Oxford's housing sites delivery

### **Table 2**

#### **Partial Review – Context/Approach**

- Still testing housing numbers
- Why timeframe and why hurry to do it? Why not do at same time as rest of Oxon?
- Growth Board commitment to work together
- West Oxon less apportionment because of constraints
- Planning powers for each local planning authority to accommodate Oxford's unmet needs
- Cherwell Local Plan (CLP) Part 1 commitment to look at Oxford's unmet Need (OUN) CLP adopted subject to reviewing it in 2 years
- Why do we have to review CLP already when other districts aren't doing it? Already lots of houses / development being built/ why do we have to accept another 4.5k houses?
- Adopted CLP to guide development to areas to secure 5 years housing land supply
- How does budget announcement on Oxford to Cambridge corridor change things? Would this not be better process? LP runs to 2031 but development will be longer than that
- Bicester eco town will be ghost town created by expressway
- What are benefits for Bicester? What infrastructure will be provided? Can't cope with what we've got already in Bicester – need jobs, shops,
- We build houses but there are no jobs planned
- Average House price in Bicester £60-70k more than Banbury
- Local housing for local needs
- Not building houses for local people
- Need to give people options e.g. people moving out of Witney because of difficulty of getting to Oxford
- Transport links to Oxford lagging behind housing development
- Vision and objectives considering all issues to set framework for development, rationale for development and growth.

- OTS providing transport infrastructure to support
- Government refused to support upgrading of A34 etc.
- Development not delivering infrastructure
- Railtrack spending £18m on Islip station
- Need more time to do review – unfortunately not got more time.
- If Oxford not prepared to meet unmet need why not get Oxford to contribute to cost of infrastructure – complicated – has Growth Board addressed this? City Deal bids – Growth Board to have a remit to look at funding bids for infrastructure – deal to commercialised local authorities each site to give something. Cannot take growth of Oxford and don't know Oxford's contribution.
- Need to strengthen CLP1 and need more evidence
- Some parties e.g. City and developers, will want some growth.
- Next stage transport modelling, impact on biodiversity to see if can accommodate growth around Oxford. Some initial evidence on transport.
- 5 year housing land supply –
- West Oxfordshire District Council (WODC) is preparing Modifications and submitting its Local Plan
- Problem need to address as a whole county, congestion problems around Oxford already
- Safety of A34 - risks need to be addressed but Cherwell District Council is not road planner
- Evidence needs to be based on what is impact on infrastructure
- Building more science parks north of Oxford - makes sense to put houses in North Oxford
- Worry about workload of officers to prepare partial review - too many words for consultees to read!!!
- Neighbourhood Plans (NP) not taken into account in planning partial review – Local Plan partial review needs to comply with NP
- Price of railway travel = people drive

### **Draft Vision and Strategic Objectives**

- What is Oxford's vision to use brownfield land for development?– District is taking its vision to change to match Oxford's needs. How much does one vision have to change to accommodate that of the others?
- Difficult compromise for planners and residents – search areas do not fit with vision for CDC growth.

### **Considering and delivering Options**

- Cluster C – sprawl development around motorway junction – initial transport evidence does not support area C
- Area E – Bicester – touching area C at SW end, same things apply
- Wendlebury Greenfield site , in flood plain for Oxford not close to Bicester Wendlebury, congestion on travel, not enough infrastructure J9, A34 rat running, away from focus for development
- Anything else on north side of Bicester will create more problems. Further development will add further traffic.
- Ring road is in wrong place – build new ring road or traffic increase will be unacceptable.
- Sewage capacity at Bicester STW at capacity – no plans to improve – health infrastructure in Bicester – GPs already closing.
- Garden town, healthy new town eco town in jeopardy with growth
- Social issues – growing too fast does not allow people to integrate creates ghettos

- How fast can you grow a town and make it a good place to live? Town centre not designed for size of town. Not sure Bicester can grow fast and still be a good place to live?

### **Developer Contributions SPD and CIL**

- Will developers pay more or less?
- Exemptions from CIL e.g. affordable housing
- S106 still applied for mitigation specific to development
- Schools are on list but still a problem
- CIL system is convoluted
- Negotiate with CDC on spend
- CDC will need to publish programme of where money spent a percentage 15% to parishes if no NP 25% if do have NP
- Threshold for affordable housing
- CIL is non-negotiable s106 is negotiable
- Map of charges – less viable area pay less. Highest land values north of Oxford, lowest in rural areas
- Will affect final cost of property? Town centre retail no charge to preserve town centre viability – viability led.
- Self-build should contribute because puts pressures on local infrastructure

### **Summary of Key Issues**

- Green Belt is not sacrosanct
- South of District preferred
- Spatial relationship to Oxford
- Need for Oxford – close to Oxford
- Infrastructure needs to be considered first
- Loop (Route) to Park and Rides
- Who is going to fund the infrastructure?
- Integrated cycle paths through to Oxford
- Areas A & B preferred
- Support for CIL and Developer Contributions

### **Table 3**

#### **Partial Review – Context/Approach**

CT advised that on Plan PR150 – Change title from Bicester to Caversfield

- Questions about process and how sites were selected. CT explained process.
- We can't accommodate houses in Bicester for people working in Oxford. Most people here would oppose it. Page 18 of main consultation document appoints 3 sites around Kidlington. This would be the most appropriate site given proximity to Oxford. Why do we have to accommodate Oxford's housing need? Concern about A34 and traffic.
- Importance of Green Belt noted
- Noted that Oxford was proposing to build on golf courses
- Sites around Yarnton and Kidlington have been identified, why can't these be accepted?

- There must be areas within the Green Belt which can be used
- Discussion about the numbers for adjoining districts including South Oxfordshire figure
- Discussion about the SHLAA and whether it was determined by developers
- CT responded by explaining about economic growth rate and origin of SHLAA figures
- Why aren't the houses located in Oxford?
- Are houses in South of the district suited to people commuting to London?
- How do we ensure that new units are taken by local people?

### **Draft Vision and Strategic Objectives**

- Discussion about objectives
- Oxford dominated by NHS and universities. Retail is not doing well and the start-ups outside of Oxford so why are we building houses for Oxford.
- Oxford has new employment near north of Oxford.
- Banbury suitable location for development compared to Bicester
- Can Cherwell give Kidlington to Oxford?
- If Oxford had a unitary authority then the boundaries would need to be changed.
- New Oxford to Cambridge Road will result in even more housing for people living in Cambridge.
- There is quite a lot of commuting between Oxford and Cambridge

### **Considering and Delivering Options**

- When developers were asked to put sites forward were only larger sites selected?
- Too many houses and commuters and Eco town will make it worse.
- Majority view that development should be in areas A and B.
- No provision for improved transport. Question numbers we have to re-house. Woodstock doesn't want to be part of Oxford. Consequences of delivering growth not numbers.
- Caversfield is a category C village
- Sites south of Woodstock will not benefit Woodstock – Woodstock will become a commuter town.
- Site in Caversfield already turned down on appeal.
- Heyford is a viable option
- There are historic constraints at Heyford
- Station and transport network around Heyford need to be upgraded
- Oxford Unitary Authority not sustainable
- Disparity about size and mix of houses. What's needed is smaller units e.g. 1 bed units. Developers are only providing executive housing.
- If we have lots of houses, we need the services to accommodate them
- Woodstock has Stagecoach buses like Bicester – and people use them
- All Woodstock buses run by Stagecoach and as frequency goes up so does usage
- If Oxford is going to provide employment then we should not provide housing
- If we are going to provide housing, it needs to be small, affordable. New areas of recreation should be provided within area A

- Live work units might provide the option for employment in mainly residential areas
- Oxford should be providing employment if we are providing their housing need.
- All sites in Areas A and B have been assessed within the SA
- West Oxfordshire also looking for areas around Woodstock near areas A and B
- Sites near Oxford Parkway supported
- Shipton Quarry – supported site but we need new railway station
- Housing won't be built unless developers want to build. What measures are being taken by government to encourage house building?
- If we opt for options A and B, why are we even considering the other sites and villages?

### **Developer Contributions and CIL**

- Contributions around Woodstock should go to nearest village/settlement not remote parishes
- Mentioned Piddington. Towns get the funding from new development not smaller parishes.
- We wouldn't want a village hall. We would like to secure open spaces and purchase them from developers which are holding them for housing. CIL would contribute towards play equipment.
- No particular view on CIL but more to do with weight limits etc.
- Would like refurbished village hall from CIL contributions and improvements to transport e.g. speed and weight enforcement

### **Summary of Key Issues**

- Roads and Transport
- AONB should be established near Oxford
- Serious work to sort out transport around Oxford e.g. trams etc.
- Should Cherwell provide housing for Oxford?
- Don't protect all of the Green Belt e.g. in A and B apart from near Woodstock
- No industrial/commercial development
- No out of town shopping centre in Woodstock
- Smaller units and social housing
- Some CIL possibilities
- Constraints - Blenheim – World Heritage Site and Roman villa on proposed site near Woodstock
- Caversfield is within a conservation area.

### **Table 4**

#### **Partial Review – Context / Approach**

- General consensus and support for A and B option. It is better if this is located close to Oxford. Cycle tracks to Summertown.
- A40 – Woodstock – straight route based on the existing transport links
- Are we talking to environmentalist?
- GP Policy – is not sacrosanct? Encroachment is likely

- County/Town Policy – now need for a greater strategy. Protect communities in the GB. GB zone is starting to change.
- Around Park and Ride the flood plain must be appropriately built
- Green Belt should be reviewed.
- Location should be close to Oxford as it is for Oxford's need.
- Huge improvement to infrastructure is required
- Points of principle. Not to worry so much about GB – look at individual villages/sites.
- It is legitimate to look at GB – Concept of the GB – Review
- Infill policy – object to 100 homes in villages – may support 10 homes.
- Any realistic prospect of building in the GB
- Oxford housing identified as need for Oxford.

### **Draft Vision and Strategic Objectives**

- Agree with the vision and objectives. Housing units means number of doors – should be a variety of homes and not 4 and 5 bed homes.
- Oxford housing need is for affordable housing and key workers accommodation
- Missing clarity on Infrastructure – Infrastructure should come first – before housing
- Existing infrastructure doesn't work – you are talking about misery.
- Affordability .....
- Put genuine cycle paths through farms – rural cycle lanes
- Links to Oxford Parkway. All traffic and roads lead to the centre of Oxford. Need loop outside Oxford. Ring Road is not a Ring Road.

### **Considering and delivering Options**

- Areas of search
- Hospital buses – better connections to key destinations without having to go through the centre of Oxford.
- Woodstock – A44 – closer to Oxford.
- 2021 – 2031 – Phasing strategy
- Affordable housing policy in the Local Plan.
- Build close to Oxford

### **Developer Contributions SPD and CIL**

- CIL – 3 areas
- What is your (Council's) target revenue generation? -----DP – No target
- Strategic sites have S106 – CIL does not apply to these site – ECO Town and Heyford Park have S106 agreements in place for the permissions approved.
- Clarification on affordable housing and Viability
- What can the CIL money be spent on? – Infrastructure
- Welcome receiving 15% CIL for Parishes and 25% for those with the Neighbourhood Plan.
- S106 is currently used to secure a developer contribution which is negotiated on a site by site basis. Once CIL is in place and adopted by the Council, it will be able to start collecting CIL moneys from developments. CIL cap.
- All Parishes welcomed and support both documents.

### **Summary of Key Issues**

- Need investment in transport, traffic and roads
- Should Cherwell provide it all?
- Don't protect all the Green Belt
- In A&B but not Woodstock
- Social housing
- No employment
- Some possibilities for CIL

## Cherwell District Council- Local Plan Part 1-Partial Review

### Developer Contributions and CIL

#### Parish Workshop (Banbury) Monday 12 December 2016

**6pm – 8pm**

**Purpose:**

Parish Councils were invited to a consultation workshop as part of the Options consultation on the Partial Review of the Cherwell Local Plan Part 1 during November 2016 – January 2017. The Draft Developer Contributions Supplementary Planning Document and Draft Charging Schedule for the Community Infrastructure Levy were also discussed at the workshops. The workshops took the form of group discussions on the agenda items set out below (the agenda was circulated in advance to the parishes). On arrival, parishes were split into groups and each group discussed each agenda item. The group discussions were facilitated by a member of the Planning Policy team with support from a colleague. This document summarises the discussions that took place.

Two workshops took place for parishes in the south and north of the District on 7 and 12 December 2016 respectively.

**Agenda:**

- Introduction to the workshop and the consultation documents given by David Peckford, Planning Policy Team Leader, Cherwell District Council

Discussion of the following agenda items took place amongst each individual table group:

- Partial Review – Context/Approach
- Draft Vision and Strategic Objectives
- Considering and Delivering Options
- Developer Contributions SPD and CIL

Table Number	Facilitator and Assistant	Parish Councils
1	Chris Cherry & Andy Bowe	Gosford and Water Eaton Kidlington Hampton Gay and Poyle Woodstock Duns Tew
2	Chris Thom & Tom Plant	Cllr Reynolds (Drayton) Kirtlington North Newington Wroxton
3	Yuen Wong & Sunita Burke	Bloxham Banbury Town Council Sibford Ferris South Newington
4	Maria Dopazo & Kevin Larner	Adderbury Bodicote

		Stoke Lyne
		Steeple Aston

**Table 1**

**Partial Review – Context/Approach**

- Affordable housing should be located near Oxford Parkway Railway station and Water Eaton Park and Ride
- “Commuter belt” along railway
- Local Plan can specify affordable housing percentage but needs to be balanced against viability
- What is Oxford’s requirement? Type of people? What is Oxford’s employment type – needs to match type of homes to be provided in partial review?
- What is being used to determine need? SHMA explained
- Oxford should build on its Green Belt
- Option of Green Belt release should be explored e.g. Southfield Golf Club could be relocated to a Green Belt site
- Oxford City wants growth closer to the city
- Is it reasonable to consider Banbury?
- Key issues are connectivity; building communities and deliverability (what can the market deliver?)
- Other infrastructure requirements include schools and doctors
- Oxford City Council has set out what it needs but development needed to provide it assuming 4.4k homes close to Kidlington
- Banbury, Bicester and Kidlington may be able to take more housing development. If development is distributed widely in small sites then there is less chance of securing developer contributions to deliver infrastructure
- Stakeholders favoured larger developments to fund infrastructure
- Continue county towns strategy but concerns of transport issues and links North of Oxford requiring infrastructure.
- Green Belt is not sacrosanct but needs to be protected/defended – need separation between Oxford and Kidlington, countryside and protection of flood plain

**Draft Vision and Strategic Objectives**

- Don’t agree with the strategic objectives
- What is definition of “affordable”?
- Supporting Oxford’s needs is important and importance should be emphasised
- Transport links are major constraint
- Need good transport links/infrastructure with infrastructure in advance of development
- CDC needs to join up with other infrastructure providers

**Considering and Delivering Options**

- Langford Lane/Begbroke to support small scale employment and around Pear Tree
- If don’t want anything between Oxford and Kidlington then puts pressure on Kidlington
- Should put sites on A44 not on A4260
- All roads are congested/at capacity

- Need more transport infrastructure
- Not PR 27 (The Moors) which impacts on the gap between the village and river
- PR 41 look to retain area of Green Belt
- Shipton Quarry – access to railway but deliverability issues and other constraints = not available within timescale.
- Heyford?
- NE Kidlington?
- No strong view on large sites

### **Developer Contributions and CIL**

- Transport schools and doctors surgeries priority
- Stakeholders recognised that larger developments were likely to secure larger developer contributions to infrastructure
- No other uses suggested for CIL

### **Summary of Key Issues**

- Can we see Oxford City's SHLAA?
- Oxford should maximise existing sites eg brownfield
- Transport Constraints
- Infrastructure delivery
- Green Belt – some incursion may be ok but need to preserve identity/character of existing towns and villages
- Need to have evidence to justify sites
- Better chance to get infrastructure with larger sites
- Need to preserve green gaps between settlements with some development close to Oxford

### **Table 2**

#### **Partial Review – Context/Approach**

- Rural villages in Local Plan Part 2, why mentioned then in Part 1?
- Part 2 is Cherwell's need.
- Drayton becoming an extension of Banbury. Development down golf club and back of Drayton. Banbury and Bicester should expand for Oxford's unmet need.
- General discussion on meeting Oxford's need.
- Oxford should increase its densities, then this exercise would not be required.
- Should need 4,400
- SODC reneged on meeting Oxford's unmet need.
- Is this figure set in stone?
- How did CDC arrive at that figure?

#### **Draft Vision and Strategic Objectives**

- Will the housing really be affordable?
- Has Oxford looked at all its sites?

- Should initially look at Kidlington, as a bus would be required from Wroxton to Banbury.
- Attention drawn to new line from Oxford Parkway to Oxford.
- Need to build houses for people who work in Oxford.
- Banbury should not have to meet this need
- Put condition that new houses should only be for living and working in Oxford
- What is classed as affordable?
- Developers can justify what is affordable in Oxford but cannot ,however, justify its viability
- Government policy has changed re: green belt
- Kassam Stadium is in green belt
- Green belt now has lower value
- If green belt protected more growth at Drayton and Wroxton.
- We should push back to Oxford. Say no
- How did SODC get away with not working with Oxford?
- WODC would not give correct numbers. We should resist SHMA work
- If CDC agrees to 4,400 – what if CDC sets bar high re affordable houses. Does that fulfil our need on paper? Affordability a key driver.
- CDC gets to choose if green belt is developed or not.
- Process driven by developers who have a preference where they want to develop.
- Bus services important. Use of public transport to Oxford.
- Location of railway stations. Transport across Oxford. Trains direct to city and buses to city.
- Need to concentrate resources. Buses to hospital important.
- Need to build higher densities.

### **Considering and Delivering Options**

- Options at M40 J9
- Push growth to SNC
- Need to consider Oxford and Cherwell's need – Is it Oxford's or Cherwell's 5 year housing land supply? – A and B sensible choices for development.
- Green credentials – request in the plan?
- Arncott – all houses there? EX MOD sites?
- Implications of Oxford- Cambridge express way?

### **Developer Contributions SPD and CIL**

- S106 monies – Parish's don not see it
- S106 on site. CIL off site. – Parish's to decide how the money is spent.
- Cost of recreational equipment
- Link CIL to neighbourhood plans
- What is CIL consultation for?

### **Summary of Key Issues**

- Housing type – affordable, density and scale
- Need new roads, bus services, cycling. Long term investment
- Continue with Areas A and B (but high land values)
- No development in villages
- Some opportunities in low value green belt (evidence needed)
- Use PDL but expensive to deliver
- Should have lower CIL on PDL to free up MOD land

### **Table 3**

#### **Partial Review – Context / Approach**

- 4,400 - Is it a given? If South Oxfordshire doesn't deliver do we need to take it?
- The consensus was that Cherwell accommodated additional growth at the time of adoption because of the SHMA and Growth Board. The barrister for Oxford was very forceful and accommodated the additional housing need. Maybe we should use their Barrister next time?
- Not clear how the figure of 4,400 arrived at by the Growth Board – It is too much?
- What is going to happen with South Oxfordshire apportionment? If the decision is taken by whoever on the apportionment their
- Can this growth be accommodated at Upper Heyford? The allocations at Upper Heyford are based on Policy Villages 5, which covers the entire site area. It will form part of the review for LPP1 – PR
- Green Belt should be reviewed.
- Location should be close to Oxford as it is for Oxford's need.
- SHMA figure should be reviewed following Brexit as the assumptions for SHMA were based on the economic forecasts before Brexit.

#### **Draft Vision and Strategic Objectives**

- It is quicker to get to London than to Oxford from Banbury and the surrounding areas.
- Do not envisage people travelling to Oxford from Banbury. People within Oxford City want growth in Bicester as it is part of the knowledge corridor for Oxford City.
- The private rented sector in Oxford is very high and not affordable for the people who work in Oxford. There are a myriad of reasons for the shortage of housing in Oxford. It is a combination of expensive private rental market, type of housing available is not met by the demand for it. Employers are unable to recruit because of suitable housing. Families cannot afford to live in Oxford and have to move out, which involves travel into Oxford therefore not attractive to families. Oxford Colleges lobby against high rise – historic city.
- Where is the housing need?
- What is the housing need?
- Not all the academics, engineers coming to Oxford to work want to live close to their places of work.
- Salary difference

#### **Considering and delivering Options**

- Affordable housing policy in the Local Plan needs teeth to it in LPP2. It needs to make developers provide affordable housing and not use viability to lower the provision.

- Build close to Oxford
- Transport strategy is needed for Oxfordshire – County/City and not just City.
- Housing land supply update and its importance for Cherwell District, this means that it relieves pressure on villages in particular on that basis.
- National Government commitment of housing delivery. Colleges and many large developers have large land banks. The Government have been criticised for making that statement.
- Areas of Search – do you agree with areas A and B – Yes, but Bicester and Banbury can take more.
- HEELAA consists of site assessment and this is due to be reviewed and made available to public early next year. No date has been fixed
- LPP2 sites may be smaller sites.

#### **Developer Contributions SPD and CIL**

- CIL tariff is welcomed
- Welcome receiving 15% CIL for Parishes and 25% for those with the Neighbourhood Plan.
- S106 is currently used to secure a developer contribution which is negotiated on a site by site basis. Once CIL is in place and adopted by the Council, it will be able to start collecting CIL moneys from developments.
- All Parishes welcomed and support both documents.

#### **Summary of Key Issues**

- 4,400 too much
- What will happen with South Oxfordshire's apportionment?
- Grenoble Road
- SHMA should be reassessed after BREXIT
- What is the housing need? Who? Where?
- Employers in Oxford find it difficult to recruit.
- Oxford has high rents and land prices
- Preferred areas of search A&B, Bicester and Banbury

#### **Question**

Are garages included in CIL?

#### **Answer**

**Yes, garages are included in the residential floor space calculations for CIL**

#### **Table 4**

#### **Partial Review – Context/Approach**

- 4,400 additional homes
- 5 year supply – how will the new houses affect this?
- Cannot address until sites identified. Channel down from broad strategy first.
- Sites need to be deliverable to keep up supply.
- Transport links versus proximity to Oxford.
- Transport infrastructure not necessarily deliverable, gamble to rely on it.
- Transport subsidises cut.
- Car is preferred method realistically.

- Oxford City prefers sites close to city.
- All in one Oxford block, or spread around?
- People will buy houses according to own requirements.
- Will housing be tailored to presumed need of Oxford population?
- Do we know what mix is needed?
- Has Oxford determined who housing will be for? Further away will be primarily for commuters.
- Main need is for affordable housing, how will levels be determined?
- Want ideally cohesive self-contained communities.
- Need driven by new people moving to county.
- All economic benefit flows to Oxford and Bicester, not Banbury.
- Banbury more self-contained.
- Banbury in two LEP areas.
- Housing must be backed with employment.
- Committed economic growth will require more housing. Knowledge Corridor is planned for later.
- Planned growth areas already in Cherwell so do we use green belt or add to identified growth areas?
- Need to have all infrastructure ready.
- IDP accompanies LP1.
- All depends where sites can be found. Mobile and broadband not obliged to provide.
- Bodicote strongly doesn't want additional housing for Oxford. Should be nearer to Oxford.
- No option to do nothing.
- Green belt should be reviewed.
- Extend existing infrastructure or build brand new infrastructure in new area?
- South of district is better. Transport links are not good enough from north of district.
- Sum up – preference is for housing closer to Oxford.
- So much new development already. Already planned communities need time to develop.
- LP already identifies many village sites – how will those work with LP2 sites? Concern that rejected sites will be resubmitted.
- Percentage of social versus private.
- According to LP policy. Oxford's affordable ratio is 50% we need to decide if that can be sustained in Cherwell.
- Higher social needs better proximity to centres.
- S106 is negotiable, we have to consider if affordability is brought up.
- Neutral benefits.
- Possible to argue for share of benefits which would otherwise go to Oxford.

### **Draft Vision and Strategic Objectives**

- Need vision that works for the whole of Cherwell.
- Objectives focus on proximity to Oxford, housing needs and working with City Council.
- Sustainability – social, economic, environmental.

- Cherwell must not be just a dormitory for Oxford.
- How will this work with Oxford's forthcoming LP?
- Consulted in summer. Policy framework is pre NPPF. SHLAA – generated more than had been envisaged
- Why are Cherwell and South taking so much more than Vale and West?
- More constraints in Vale and West (less well connected).
- In reality how deliverable is any of this? How long will this take (on top of existing quota)?
- Does CDC know how much land has existing, non actioned planning permission?
- Tabulated in AMR.
- Does CDC ask why not being delivered?
- Yes they are regularly contacted. Can consider accelerating some sites if other expected ones do not develop as expected.
- If this plan is not progressed we can expect speculative developments to start arriving.
- To what extent can CDC force/facilitate delivery of infrastructure?
- Can push/negotiate/pressure developer.

### **Considering and Delivering Options**

- New Year – shortlist of sites then ask developers to demonstrate deliverability.
- Will developers build if not profitable?
- Cards are with developer, they hold the 5 year land supply. Changes mooted but developers are a strong lobby.
- Large strategic sites or dispersed?
- Housing mix will affect deliverability.
- Concerns for community cohesion – resentment.
- Question - New settlements in preference to multiple small sites? (All = yes).
- Social needs must be met – is this realistic for new settlement; employment, transport.
- Need to plan for cemeteries
- Economy – if bad could end up with huge housing development and no employment.
- Can 4,400 homes be economically sustainable?
- Employment types Banbury, Bicester and Oxford different. How improve employment types in Banbury and Bicester?
- Need to work closely with business community. Focus on apprenticeships.
- Academic education in Banbury not good enough.

### **Developer contributions SPD and CIL**

- 106 negotiable
- CIL not negotiable
- Chair of OALC. Does district take CIL if parish does not have specific project?
- MD- Parish proportion 15% if no NP capped to £100 per existing dwelling.
- (if NP = 25%, no cap)
- 123 list – what will go from CIL and from S106?
- Look at what infrastructure needed.

- Will not be backdated on existing houses.
- MD - No it will not. Number of exemptions to CIL. More affordable housing = less £s to infrastructure.

### **Summary of Key Issues**

- Preference for development closer to Oxford because of transport, sustainability, affordable housing.
- Review Green Belt
- New settlement in preference to multiple small developments.

**Focus Stakeholder workshop**  
**Tues 13 December 2016**  
**Council Chamber 17:45-20:00pm**

<b>Table 1</b> David Peckford, Andrew Bowe	CDC
Richard Cutler	Bloombridge
Tom Rice	Barton Willmore
Sarah Gregory	Savills
Alan Storah	Oxford City Council
Lawrence Dungworth	Hallam Land Management Limited
Mitchell Tredget	Hill Residential
Julie-Anne Howe	OCCG
Steve Pickles	West Waddy ADP
<b>Table 2:</b> Chris Thom, Lewis Banks-Hughes	CDC
Peter Bateman	Framptons Planning
James Dillon-Godfray	London Oxford Airport
Fiona Mullins/Tom McCulloch	Community First Oxfordshire
Andrew Garraway	Turnberry
Jacqui Cox	OCC
Simon Joyce	Strutt & Parker LLP
Colin Blundel	Vale of White Horse District Council
<b>Table 3 :</b> Sharon Whiting, Tom Plant	CDC
David Flavin	OCC
Ben Simpson	WYG Bonnar Allen
Alan Lodwick	Oxford Green Belt Network
Jonathan Porter	Archstone Projects Limited
Charles Campion	New College
Gary Owens	CDC- Housing
<b>Table 4:</b> Maria Garcia Dopazo, Alex Rouse	CDC
David Burson	JPPC Planning
Mark Schnull	Nathaniel Lichfield & Partners
David Heathfield	Chiltern Railways
Jenny Barker	CDC
Peter Cox	Bicester Chamber of Commerce
Christopher Anstey	CRJ Anstey
David Keene	David Lock Associates
<b>Table 5:</b> Christina Cherry, Sunita Burke	CDC
Robert Davies	Gerald Eve LLP
Sue Marcham	CDC
David Stewart	David J Stewart Associates
Ellen Timmins	Boyer Planning
Paul Burrell	Pegasus
Bob Duxbury	CDC
Neil Roe	Amber Developments

## 1. Summary of main issues raised across the 5 tables during the focused discussions

The discussion focused first on the key priorities arising from the Local Plan Partial Review Options Consultation from the stakeholders' point of view and interest. This was followed by a discussion on the Local Plan Part 1 Partial Review proposed vision and objectives, consideration and delivery of options and a final discussion on the concurrent consultation on Developer Contributions and CIL Charging Schedule.

The sections below summarise the key issues raised under each discussion topic while Appendix 1 provides a more detailed record of the points raised also by topic.

### 1.1 Key priorities from the stakeholders' point of view and interest.

Main priorities raised by the participants focused on:

- **the wider/strategic implications of meeting Oxford's needs:** how does it fit a wider strategy, is the SHMA realistic?, what are the democratic processes? (i.e. whose policies are these?), impact on the environment and Green Belt aim to restrict sprawl.
- **Infrastructure:** whether planning growth and infrastructure on existing locations or clustered for new infrastructure, focus infrastructure in and around: Bicester, A34, A44 and A4260, possibility of new train station.
- **Location of development:** support for Area of Search A, support for close to Oxford and around existing/planned corridors, support for large strategic sites alongside some housing in villages for 1 and 2 beds. Deliverability by 2031 to be a consideration for the location of development.

### 1.2 Local Plan Part1 Partial Review: Context/Approach

Main comments on LP1 Partial Review context and approach included:

- **Approach to growth:** support for county towns approach and Sustainable Urban Extensions, concerns with urban extensions to Oxford due to environmental, Green Belt and Infrastructure constraints, support for an approach based on Oxford needs with development located near Oxford, support for an approach which leans on public transport and transport hubs.
- **SHMA , housing need and apportionment:** concerns with the adequacy of the SHMA (exaggerated needs and focus on employment growth), support for SHMA as ratified by PINs, queries about population updates needed at later stages of plan preparation, queries on whether CDC will accommodate further growth and the consequences of SODC not endorsing the Growth Board apportionment.
- **Green Belt (GB) and Kidlington gap:** Kidlington gap is strategic, queries on whether best to undertake a GB Review or a GB Leap with views pro and against both approaches, fears that a GB review will open 'Pandora's box' and hence it should not be reviewed, support

for a GB Review which is targeted not excessive review and permanent to 20+ years. Need to justify GB review's exceptional circumstances.

- **Deliverability:** Increased housing delivery possible, landowners looking at land disposal although builders are maxed out at the moment, landowners aspirations (land values) are an issue for affordable housing, need a mixed of large and sites. Smaller sites quicker and easier to deliver. Plan deliverable but GB review is needed.
- **Infrastructure:** high quality transport needed to areas for Oxford's growth, queries on when the Plan will address infrastructure needs and whether consultations will take place as part of OCC Local Transport Plan.
- **Location of growth:** support for areas A and B, support for and arguments against further growth in the north of the Cherwell, Upper Heyford and potential MoD land, motorway junctions seen as inappropriate, support for growth at Oxford Parkway, support for locating growth near existing development and near employment, question the approach to areas of search and whether areas A and B have been favoured, views on 4,400 being too much just for Kidlington.

### 1.3 Draft Vision and Strategic Objectives

Main comments on LP1 Partial Review context and approach included:

- **The focus of the vision and strategy:** non location specific vision as a starting point but responding to Oxford's needs and Cherwell's context. Some Views on vision trying to please everyone and following the wrong strategy, some views on support of the vision and strategy. Support for moving attractors (jobs and university) outside Oxford (i.e. Bicester), counter argument indicating business may move to Cambridge instead. Some views on vision and strategy too narrowly focused on housing with a counter argument on the Plan being only a partial review to LP1 to meet Oxford's unmet housing needs.  
**Addressing specific housing matters:** Affordability of housing, small units, student accommodation, need to address health issues and design dementia friendly homes and care villages. Provision of a digital village at Kidlington.
- **Public transport and connectivity:** Important to provide good accessibility to Oxford City Centre and employment. Council to monitor progress on Oxford- Cambridge corridor.
- **Oxford/Cherwell impacts:** concerns with competition between houses built for Oxford's needs and those for Cherwell. The emphasis on the vision should not be on 'New balanced communities'. The vision for LP1 PR and Kidlington Masterplan do not connect the Masterplan should be brought to the fore. Contributions from development should go for infrastructure.
- **Objectives:** In Objective 1 partners should extend to through the Duty to Cooperate. Objective 17 relays on unrealistic job growth, vision for balanced communities is at odds with objectives 17 and 18 focusing on addressing Oxford's housing needs. Should consider common drivers for long term sustainability.

### 1.4 Considering and delivering Options

Main comments on LP1 Partial Review consideration and delivery of options included:

- **Approach to growth:** initial evidence indicates areas A and B most sustainable, support for growth at Banbury and Bicester with counter arguments supporting growth at the edge of Oxford accompanied by infrastructure. Support for consideration of new growth nodes. Views on dispersing some of the growth on grounds of natural limits to growth around Kidlington. Support for Upper Heyford and Bicester supported by high quality transport. Biodiversity could affect location of growth.
- **Infrastructure:** NHS does not have capacity for new surgeries; transport system around Cherwell generally poor cannot cope with more growth, transport capacity matters are a national issue. Growth driven in part by strategic employment, should apply for funding streams in connection to SEP. Wider strategy needed for infrastructure. Developers and landowners to be treated fairly. Arguments pro and against the benefits of larger vs smaller site allocations to help delivery of infrastructure.
- **Delivery:** Investment and returns drive the gradual delivery of houses not land banking and Green Belt. Ring-fencing site delivery may result on area I coming forward to meet 5 year housing land supply. Kidlington Masterplan can be delivered now work already done. Development around Water Eaton area is 10-15 years away. Phasing of sites not considered practical by triggers for occupation may work. Delays on S106s is an issue – should front load to pre-app stage. Sales rates are outside Council's hands and there is likely to be competition. Views on delivery not being an issue unless infrastructure upgrades have a knock on effect.

## 1.5 Developer Contributions SPD and CIL Draft Charging Schedule

Main comments Developer Contributions SPD and CIL included:

- **Approach:** SPD and CIL based on adopted Local Plan growth. The future impacts of Partial Review sites to be looked into as the plan progresses to adoption. CIL doesn't allow negotiation -prefer s106 route; Strategic site appraisal does not pick cumulative effect of assumptions; views that viability not an issue in Cherwell, need transparency in finances; Development is needed to pay for the infrastructure – so what other options are there?
- **CIL charges:** views on CDC CIL charges being higher than surrounding authorities countered with views on CIL charge being reasonable. Need to address balance between seeking contributions and not putting development at risk. Schedule seen as helpful; Garages factored into the levy; Keep CIL simple – Speeds it up Parishes keen to see how much they can get countered by views on CIL needing to fund infrastructure
- **SPD:** Table 2 in the SPD is very clear. Minimum threshold retained. Threat to small development coming ahead such as petrol station with retail, etc. Public art can fall into disrepair and wasted. City uses a calculator for mitigation on ecological matters. – Biometric – Defra. LPP2 – look at metric and biodiversity counting. Can contributions be more specific / itemised? They cannot just be viewed in isolation. Surcharges are very high, even comparatively.

## **Appendix 1 – Detailed list of main points raised by topic**

### **Stakeholders' main issues arising from the consultations**

#### Democratic process and strategic matters

- i. How does democratic process work with Oxford?
- ii. How Oxford's Unmet Need (OUN) fits wider county strategy how it responds to the Strategic Economic Plan (SEP)
- iii. High level context – not just about CDC strategic fit with Oxford context
- iv. How could needs be met in terms of scale and location of development and how does it manifest itself in terms of sustainability/detrimental impact on the environment
- v. Oppose SHMA, unrealistic and excessive
- vi. Support principles of greenbelt and appropriate use. Supports Cherwell's Green Belt Policy – Restricted sprawl.
- vii. City Council approach – to promote employment land rather than housing.
- viii. Housing market area vs Oxford cities need Policy? CDC or City for affordable homes threshold. Affordable housing – who gets it? Cherwell or City?
- ix. New homes bonus and incentives with housing growth
- x. Support Planners on strategic issues

#### Infrastructure

- i. Infrastructure issues e.g. constraints in Bicester
- ii. Interested in sites making most of existing infrastructure
- iii. Supportive of clusters of sites to improve transport infrastructure.
- iv. Query whether best to plan growth and infrastructure in existing locations or clustered for new infrastructure.
- v. Interest in social and wider infrastructure from community viewpoint
- vi. Specific transport infrastructure between A34 and Begbroke Science Park/Yarnton/Kidlington/Northern Gateway etc.
- vii. Impacts on existing infrastructure, need for a phasing approach to delivery and the relationship with Sustainability Appraisal and site scoring.
- viii. Possibility of new train station on Great Western line.
- ix. New employment in Kidlington area.

#### Location of development

- i. Where and how development will take place? Where 4,400 homes go by 2031 is also a delivery issue: where do you put it – is Banbury too far?
- ii. Should be close to Oxford and around existing / planned transport corridors.
- iii. Strategic sites with infrastructure and bigger and better sites while small villages with some small housing 1 and 2 beds.
- iv. Supporting Search Area 'A'

## 2. Partial Review: Context/Approach

### Approach to Growth

- i. Country towns approach to growth in Oxfordshire dominated for years – Growth for Banbury
- ii. Oxford wrong to take premise - Sustainable Urban Extension (SUE) is the answer
- iii. Urban extension of Oxford is not sustainable – due to local circumstances – transportation A40 Northern Gateway environmental setting and quality, Green Belt and heritage and environmental setting compared to elsewhere in Kidlington – Kidlington needs regeneration
- iv. National Infrastructure Commission – Growth Corridor (above 4,400)
- v. House live/work in Oxford – affordability is fundamental
- vi. Difficult to object to the strategic view and approach in the Cherwell Plan
- vii. CDC initially thought for 2011-2031 was 16k. Consultants employed to defend deliverability. Ambitions deliverable targets
- viii. City's based need: people who have a job but need a house. It is a City requirement and not for commuting people. Junior academics and researches leaving Oxford as can't find / afford housing.
- ix. Spatial relationship important, also public transport and new modes
- x. If houses relate to Oxford, huge market / demand, especially for affordable.
- xi. Question whether jobs are/should be in the city– Science Park in Vale DC? Future job growth unnecessarily provided up at Oxford? Not required for all business to be right on Oxfords doorstep.
- xii. WODC garden village – approach to transport hubs.
- xiii. Long period existing strategy of Oxford City is at odds with OCC.
- xiv. Opportunity for high level jobs in Bicester.
- xv. Meeting all of the need immediately just compounds the problem.

### SHMA, housing need and apportionment

- i. 15,000 homes for Oxford and Cherwell's apportionment is 4,400 homes. Can this be accommodated sustainably and where within Cherwell? How robust is 15K figure? Is the figure 4,400 too high?
- ii. SHMA - exaggeration of CDCs need and employment growth. Based on false evidence, jobs will not be delivered. It does not address need. It does not address affordable need.
- iii. SHMA – Ratified by PINS
- iv. Cherwell has accepted this figure from the Growth Board – Duty to Co-operate and agreed to meet the need through Partial Review of Local Plan Part 1.
- v. Need comes from SHMAA. Based on Oxford's identified needs and SHMAA – 10K met – Growth Board divided remainder. Statutory process through local plans. Figure could change through review of other LA plans.
- vi. The 4,400 is on top of the pre-existing numbers based on Cherwell's demand.
- vii. SHMAA is the document to be used and based on assessed need. Could be checked/updated? Have updated population projects been used? Would this be done through Growth Board?
- viii. CDC to review whether population updates are needed before examination

- ix. There may be some LAs challenge SHMAA – needs to be updated? 2014 has been through examinations and has been found robust.
- x. Could Cherwell get more than the 4,400 allocated by Oxford’s unmet housing need? If South Oxfordshire District Council continues to not agree to take a portion of Oxford’s unmet housing need – would Cherwell then have to take an additional portion of that amount too?
- xi. Interim SA looks at 4,400, significantly less and significantly more. However, the focus of the LP1 PR is the unmet need apportioned to Cherwell (4,400).
- xii. The focus of the LP1 PR is the testing through Cherwell’s statutory processes the Growth Board apportionment of 4,400 to Cherwell. It is for each local authority to address the Duty to Cooperate through their plan making process.

#### Green Belt and Kidlington Gap

- i. Kidlington gap is strategic survived over years. Kidlington needs regeneration no Green Belt focus.
- ii. Lots of the land in A and B is in Green Belt. Should CDC leap the Green Belt? Scope to review Green Belt?
- iii. CDC needs to justify exceptional circumstances for Green Belt development. Growth Board looked at land in Green Belt to identify which parts of Green Belt could take development. There are parts of the Green Belt with lower landscape quality than other parts.
- iv. Green Belt needs to be looked at – old concept – shouldn’t go in with view to leap Green Belt.
- v. Cambridge (without Green Belt constraint) has attracted significant employment. Oxford has been hampered by Green Belt constraints. Lots of industries would like HQ in Oxford but there are no [employment] sites available around city centre.
- vi. Green Belt review should be a targeted approach
- vii. No development in the Green Belt , real fear it is Pandora’s box
- viii. Green Belt review through sensible planning needed but not excessive – Carefully regulate
- ix. Re-fix green belt for 20+ years after this review.
- x. Green Belt review too look longer term view: 50-100 years
- xi. Coalescence of settlements ....? Kidlington/ Yarnton/ Begbroke have a sense of identity? Value of the Green Belt – Openness. Parts of the Green Belt have no value.
- xii. Are parts of the Green belt around Oxford able to meet Oxford’s need? What part of the Oxford’s Green Belt performs the Green Belt function?

#### Deliverability

- i. Landowner aspirations are a difficulty– Affordable Housing cost £60 per sq. ft. = £60k
- ii. Landowners looking for opportunity to dispose of land
- iii. Realistic rate of delivery – yes to increased housing delivery
- iv. Need a mix of sites small and large. If you draw down into what are deliverable sites.
- v. Sites out there, but builders maxed out at present
- vi. The LP1 PR is deliverable but needs green belt review
- vii. Delivering large sites takes 10 years to get spade in ground – is there potential to deliver large sites as series of small sites? No due to land equalisation

- viii. 5 year land supply from 2021? Yes
- ix. Market supply and demand – saturation. Hallam Land developing at Cranbrook in Devon - 450 units per annum starting to stall
- x. Smaller sites quicker and easier to deliver. Flexibility is key

### Infrastructure

- i. Transport is key – cycling and train links are important
- ii. What about the levels of infrastructure needed, and would phasing be used?
- iii. Need to look at developing a strategy and identifying the location of growth first before establishing what infrastructure is needed.
- iv. High quality public transport is needed in these growth areas. Need better linkages further out to places and areas suitable for Oxford's growth.
- v. What is the consultation on OCC Transport Plan? – Can similar consultations be carried out on OCC transport matters in the area?
- vi. OCC are active in talking to District Councils and undertaking consultations such as the A40 scheme (OCC website).

### Location

- i. Transport 30-60min journey is what most commuters will make
- ii. Housing - important to be close to Oxford
- iii. Area A and B are well connected by public transport. A and B logical place to centre new development. Sustainable communities should be created in their own right rather than dormitory towns. Proximity to Oxford promoted active travel links to reduce impact on infrastructure.
- iv. A and B. Have locations been ranked?
- v. SA and TA identify ranking of locations + sustainability and impact of proposals on Cherwell and Oxford. CDC hasn't set out a rank.
- vi. The partial review seems to imply that CDC has already made up their mind that the majority of the growth will be around Kidlington. Is this biased? Based on the documents, Kidlington looks like it is favoured – what drove that decision?
- vii. No decisions have been made at this stage. The starting point is looking at the whole of the district, including connectivity and public transport links
- viii. Areas of Search were drawn based on: urban areas, PDL, transport nodes and promoted sites. Initial SA and Transport Study indicate that Areas A and B seems the most sustainable locations but we need more evidence (HRA, SFRA, Landscape) to inform the next stage.
- ix. SA framework produced by LUC looks at Oxford's and Cherwell's objectives but addresses Oxford's unmet need.
- x. Upper Heyford has further potential
- xi. Fan of new garden town type development – new developments shouldn't be bolted onto existing development
- xii. Oxford Parkway good location for some housing
- xiii. Some form of bolstering into what is existing (with new development in these areas)

- xiv. Connectivity is very important – having location close to employment
- xv. A + B, Bicester and Banbury make more sense
- xvi. Should be more ruthless and say no to areas.
- xvii. North of District is stupid location for the LP1 PR, it does not relate to Oxford. Banbury related to WODC, SNC and Birmingham. Houses in North of the District exacerbates problems.
- xviii. Heyford and Banbury solve CDCs issues not Oxfords unmet need.
- xix. Motorway junctions area inappropriate
- xx. MOD land Comparable to Heyford or Graven Hill (i.e. Arcnot)
- xxi. If high end jobs in Bicester, then Arcnot would be good
- xxii. 4,400 are too many for just Kidlington. It wouldn't cope.

#### Other

- i. Could have policy for key workers offer land for free to construct houses for key workers e.g. Bloombridge in Kidlington 21 Ha site only need 10Ha market value = £1m per acre
- ii. Density should be revisited
- iii. Oxford is a world class city – it is a fundamental building block – support that
- iv. Historic built and natural environment are not in these assessments.

### **3. Draft Vision and Strategic Objectives**

#### Vision

- i. Oxford suggested vision is non-location specific, a starting point to frame what follows. Responds to Oxford's needs in Cherwell context
- ii. Draft vision tries to please everyone all at the same time
- iii. Strategy is wrong
- iv. Should employment be pushed out of Oxford? Train line essential to move jobs out of Oxford perhaps.
- v. Oxford attractor of people and houses move universities to Bicester
- vi. In Oxford Astra Zenneca could not find site so moved to Cambridge not Bicester
- vii. Housing isn't just an isolated aspect; it has to coincide with employment opportunities.
- viii. The review does seem overly housing-focused. Should the review be wider than just housing?
- ix. There is an employment/housing imbalance in Oxford. The Partial Review is not a review of the LP but a partial review to help address Oxford's unmet housing needs.
- x. Needs vision is for a new city then dealing with the focus of Oxfords unmet need. Statement of a new garden city.
- xi. Connectivity to Oxford. Cambridgeshire is successful because of its connectivity between different modes of transport. Links to Ox Parkway.
- xii. All traffic and roads lead to the centre of Oxford. It is very important to provide good access into Oxford City Centre. In particular public transport and Park and Rides.
- xiii. Focus on Oxford impact on CDC

- xiv. Vision and objectives – health – need health to be designed to be dementia friendly need built facilities for healthy environment
- xv. LP1 Partial Review and Kidlington Masterplan don't connect. Kidlington Masterplan needs to be brought to the fore – housing will cost £500-£700 per sq. ft. at Oxford Parkway but £300 / sq. ft. in Kidlington
- xvi. Telecottages digital village in Kidlington as part of regeneration of the village
- xvii. Need to plan for care village
- xviii. City's requirement is for small units not executive homes. Concentrate what is missing, small units
- xix. Provide a range of housing types for Oxfords need.
- xx. Exemplar is a high bar + affordability contradicts each other.
- xxi. Oxford has lots of university colleges, which means lots of student accommodation – would Cherwell have to take a proportion of this, in addition to other types of housing?
- xxii. The competing nature of the houses build for Oxford's unmet housing need and those built for Cherwell's natural growth might seem to be somewhat adversarial.
- xxiii. Properties in Oxford are the most expensive around, so the issue of affordability will be key.
- xxiv. Can the Cambridge – Milton Keynes - Oxford corridor be considered as an example of good practice?
- xxv. The preferred route option has yet to be identified. We will keep an eye on future announcements.
- xxvi. New balanced communities in the Draft Vision for Meeting Oxford's Unmet Need – Does this have to be new? The existing settlements will have capacity for expansion?
- xxvii. 4,400 homes because of Oxford's needs. Accessibility to these employment areas is important such as Begbroke.
- xxviii. If 4,400 are for Oxford, roughly 3000 will generate value. Contributions from the development can go for better infrastructure provision.

### Objectives

- i. Objective 1 - partners- only /City and County Councils? – partners to extend to growth board partners through duty to cooperate
- ii. Potential to work with other districts to meet unmet needs
- iii. Disagree with SO17 – unrealistic job growth.
- iv. We do still need to build balanced communities, as the impact of growth affects many other areas. A vision seeking balanced communities may not be supported by objectives focused mainly on addressing Oxford's housing needs SO17 and SO18. Need to consider the common drivers of long term sustainability.

## **4. Considering and delivering Options**

### Approach

- i. Initial evidence indicates areas A and B are most sustainable
- ii. University needs to do proper Research and Development at Water Eaton
- iii. 100 dwellings, thresholds way too low, dilutes strategy
- iv. Is this a real need or not? Do ½ now and see if it is deliverable review for other ½ 2,200, then if there is demand then the other 2,200

- v. Biodiversity can affect where new developments take place.
- vi. Cluster sites together
- vii. Urban extension or new towns
- viii. Sites or sustainability
- ix. Infrastructure also drives the level of delivery – the Oxford unmet housing would be best suited to the edge of Oxford (i.e. Kidlington), rather than around the other two urban centres in Cherwell – Banbury and Bicester, which are probably too far away.
- x. Strategy – Banbury/Bicester is supported. There are pros and cons for sites in Banbury and Bicester.
- xi. Fundamental point – jobs in Oxford.
- xii. Oxford need – not to confuse with Oxford’s need not being met in Bicester – net migration. Plan for growth in Bicester– Green Belt has value. Settle in places like Heyford/ Bicester and travel to Oxford using high quality transport to Oxford. It becomes a Bicester issue. Potential to allocate housing in Bicester to meet Oxford’s unmet need. Ability to fund infrastructure improvements.
- xiii. If development is around a node could not new nodes be created?
- xiv. Locating housing closer to Oxford will be better at meeting Oxford’s unmet housing need, as geographic proximity is a key driver for people.
- xv. Should the delivery of housing be dispersed or concentrated? There are natural limits for housing, and sites other than those around Kidlington will surely be needed to take some of the pressure.
- xvi. Infringing on the Greenbelt has negative connotations – but Greenbelts can be enlarged or moved around – they are not fixed points – look at the example of Cambridge. Are Cherwell thinking of undertaking a Greenbelt review?
- xvii. Are we going back to Regional Spatial Strategies again?
- xviii. Who decides which houses have been designated for Oxford’s unmet housing need, and which have been designated for Cherwell?
- xix. This is an argument that could be made about any plan making process not just in addressing Oxford’s unmet needs. There are limitations on how prescriptive planning can be (who lives/works where) but the next stage of LP1 PR will influence housing mix, housing types and affordability.

### Infrastructure

- i. 440 homes per year added to housing delivery sites = c 6k people but NHS does not have capacity for new surgeries
- ii. The current Kidlington transport set-up is insufficient to deal with any more development
- iii. The transport system in and around Cherwell in general is poor, and the whole transport strategy wouldn’t be able to cope with such high levels of demand from an extra 4,400
- iv. Use of local building fund to deal with intractable problems of infrastructure
- v. Existing Capacity of the trains themselves - paths they can use – if you introduce new station, it will extend the length of the journey. Increase capacity on existing public transport (trains)
- vi. Major investment needed into public transport. The transport issues discussed are national, and not just localised.

- vii. Strategic employment driving unmet need – ways to apply for funding streams need to demonstrate going to provide jobs. Connection to SEP used to bid for funding  
A wider infrastructure strategy is needed rather than just endless mitigation. Previous mistakes have been made with the funding of infrastructure – this must not happen again.
- viii. Private cars are still the main method of transport, rather than public transport.
  - 4,400 homes seems a lot, but if you put it in perspective of having good transport links, in a nice area of the country, with good employment opportunities, it isn't that much housing.
- ix. It's fine having better transport links, but if you can't get there without driving, then it's pointless. Transport services need to be better integrated into the wider community. But they also need to be commercially viable.
- x. Could/should buses get preferential treatment? There should be interconnection between buses and trains (in real time)?
- xi. Developers and landowners need to be treated fairly. Is the additional infrastructure costs only for the 4,400 homes of Oxford's unmet housing need, or can it go towards funding general improvements to services across the district?
- xii. Approach should be for large allocations, which will have ability to lever in investment for larger infrastructure.
- xiii. Quantum of development – deliver small sites for a new school/or an extension to an existing school. Small sites can help existing school in Yarnton.

#### Delivery

- i. Housing crises nationally. How does greenbelt review address the housing crises? Disagree with green belt and developers banking. Investment and return means delivering houses gradually.
- ii. Ring-fencing may result in area I coming forward to meet 5 year housing land supply
- iii. Need strategy for Kidlington to deliver 2-3k homes and to deliver Kidlington Masterplan – work done already – smaller sites controlled by individual landowners
- iv. Further development around Water Eaton = 10-15 years away
- v. Approach to 5 year land supply: 2 local plans piggy backing distinguish land supply supplies and demonstrate to inspector delivery.
- vi. Site in different ownership come with one application to deliver. Sites in CDC are big and can accommodate huge growth.
- vii. Phasing? Not practical to dictate that.
- viii. Triggers in place before occupation. Agree with triggers
- ix. Control infrastructure: Delay for 106 negotiations, 50 units taking 2 years for 106 to then get to REM. Try and front load everything at PREAPP rather than post planning granting subject to 106.
- x. Is there a different trajectory for the Oxford unmet housing need compared to the other housing being built in Cherwell?
- xi. It hasn't been decided yet, first need to develop a strategy as well as the quantum and location of growth.
- xii. Delivery shouldn't be a problem, as landowners want quick delivery. But infrastructure upgrades will have knock-on effects on the ability to deliver.
- xiii. The sales rate would be out of the council's hands anyway, and competition is inevitable.

## 5. Developer Contributions SPD and CIL

- i. SPD and CIL based on adopted Local Plan growth. The future impacts of Partial Review sites to be looked into as the plan progresses to adoption.
- ii. CIL doesn't allow negotiation – flat rate makes some sites unviable undeliverable when you crunch numbers which is why prefer s106 route
- iii. Strategic site appraisal does not pick Cumulative effect of assumptions
- iv. Need to build development tolerances into model
- v. Savills to provide detailed comments to feed into discussions with Montagu Evans
- vi. Health might not be new build but might be used to support existing by existing contributions – developers don't mind giving money to support facilities
- vii. Contributions into CIL pot but infrastructure not always seen to be spent
- viii. Viability not an issue in CDC
- ix. CIL charges are higher than rest of Oxon and strategic sites should be excluded.
- x. CIL appealing to communities because to split to parish councils
- xi. Small builders getting away with S106 but appeals to bigger clients because of fairer distribution.
- xii. Community development funding through CIL – no expectation though CIL.
- xiii. Can contributions be more specific / itemised? They cannot just be viewed in isolation.
- xiv. Surcharges are very high, even comparatively.
- xv. Transparency in the finances is needed.
- xvi. Development is needed to pay for the infrastructure – so what other options are there?
- xvii. The clarity in the documents was commended. No concerns raised except for out of centre retail and that CIL for new retail uses may not be viable.
- xviii. Notional proposition – A and B Areas are reasonable to deliver for oxford's unmet need. There needs to be a balance between managing the issue - existing place and the new place and how it will appear, what infrastructure it will need.
- xix. CIL approach – contributions requested are within reason
- xx. Balance between seeking contributions and not putting development at risk.
- xxi. CIL schedule is very helpful
- xxii. City uses a calculator for mitigation on ecological matters. – Biometric – Defra meter
- xxiii. LPP2 – look at metric and biodiversity counting.
- xxiv. Table 2 in the SPD is very clear. Minimum threshold retained. Threat to small development coming ahead such as petrol station with retail, etc.
- xxv. SODC has CIL adopted and its charges are lower, CDC expectations too high?
- xxvi. Garages factored into the levy
- xxvii. The bigger the shopping list gets and the developer / land owner doesn't understand contribution like public art, when issues such as school and bus routes important.
- xxviii. Makes developers question why sell land
- xxix. Keep CIL simple – Speeds it up
- xxx. Parishes keen to see how much they can get
- xxxi. CIL should be infrastructure and not what the Parishes can get – Schools, trains
- xxxii. Public art can fall into disrepair and wasted.

## Appendix 7

## Draft Developer Contributions SPD November 2016: Summary of Consultation Responses

Rep No.	Name	Organisation	Summary of Representation
CIL-B-002		Banbury Town Council	As a consultee Banbury TC would like to be privy to draft heads of terms for individual development proposals at the pre-application stage, possibly as part of wider stakeholder panels for interested parties within the town. Our members have detailed local knowledge and our planning committee provides members with a wider strategic view of the town and how developments will embed themselves within it
CIL-B-005		Persimmon Homes Midlands	Paragraph 4.15 states that 'it is expected that 50% of the affordable rented housing will be built to Building Regulation Requirement M4(2) Category 3: Wheelchair User Dwelling' The SPD is not the appropriate place to introduce this requirement. The appropriate place to introduce this policy would be through the Part 2 Local Plan process and would need to be fully evidenced as required by the NPPG.
CIL-B-006		Barton Willmore on behalf of Bellway Homes Ltd and Archstone Projects Ltd	The SPD does not comply with national policy on deliverability of development and the role of local plans. The SPD does not contain sufficient evidence and justification to support the contributions and costs proposed. <ul style="list-style-type: none"> <li>• The PPG is clear that SPDs should not be used to add unnecessarily to the financial burdens on development and should not be used to set rates or charges which have not been established through development plan policy.</li> <li>• Appendix 9 sets out sums for open space provision. Each provision is multiplied over a 15 year period. This seems an unreasonably long period of time, and 10 years would be more reasonable.</li> <li>• The SPD is not supported by a robust evidence base to justify the contributions and associated charges.</li> </ul>
CIL-B-008		David Lock Associates on behalf of Gallagher Estates	There are a number of infrastructure items for which the SPD provides no supporting evidence as to how values have been calculated, nor what assumptions support any such calculations. Eg Contributions for Education infrastructure, commuted sums for maintenance for community halls, commuted sums for maintenance of open space, community safety/CCTV costs. <b>Security &amp; Timing of Payments</b> – There is no reference to a mechanism for the

			<p>repayment of unspent monies by the Council to the developer. Reference should be included in accordance with national guidance.</p> <p><b>Education</b> – There is no reference to education requirements being met through direct delivery of schools and/or extensions to existing facilities.</p> <p><b>Local Management Organisations</b> – It is noted that it is the Councils’ preference to adopt and maintain public open spaces, the option to use management companies is outlined within the document as an appropriate alternative. Any such decision taken in relation to a management approach should be solely between the developer and the District Council. It is not necessary or appropriate to require agreement of the town/parish council, who would not be party to any such S106 agreement. Reference to the need for propositions of management companies to secure approval of the town/parish council should be removed.</p> <p><b>Indoor Sport, Recreation and Community Facilities</b> – The SPD should refer to opportunities presented by the commercial operation of community facilities that might provide appropriate and alternative means to fund the ongoing management and maintenance of community facilities, such that they do not require payment of commuted sums. <b>Appendix 10</b> – Reference should be made to the alternative approach where it can be run as a commercial operation and/or management company. Timing of provision should be considered on a case by case basis. The timings for provision should therefore be expressed as a target, but not an absolute requirement. <b>Community Safety &amp; Policing</b> – Reference to the CIL tests should be added for the avoidance of doubt.</p>
<p><b>CIL-B-009</b></p>		<p><b>Rapleys on behalf of Pandora Trading Ltd</b></p>	<ol style="list-style-type: none"> <li>1) It is noted that Draft Heads of Terms are required to accompany any application submission – this is part of the standard validation process. This is supported in principle.</li> <li>2) It is noted that the developer is expected to pay all Council costs incurred as part of agreeing/assessing viability matters.</li> <li>3) It is noted that the number of likely S106 obligations that may be required as a result of the development is greatly reduced as many items are intended to be paid for by CIL. This is supported in principle. It is noted that many of these CIL items are not identified in the Reg 123 list – Clarification is sought as this could result in considerably greater S106 financial contributions than anticipated.</li> </ol>

			<p>4) It is unclear how the requirement to provide 2.5 apprenticeships per 50 dwellings will work in practice and how this is then calculated/reflected within any viability appraisal. Further clarity is sought on how this would operate and whether this can legally be required when measured against the necessary tests.</p>
CIL-B-010		Turley on behalf of Bovis Homes Ltd	<p><b>Further clarity should be provided throughout the SPD with regard to which infrastructure requirements will be delivered through S106 contributions and which will be delivered through CIL. The Council needs to ensure that there is no overlap between the Reg 123 list and the IDP to ensure no ‘double counting’ of contributions.</b></p> <p><b>Affordable Housing:</b> Whilst primary legislation for Starter Homes has been introduced, to date the definition of affordable housing has not been altered within the NPPF and starter Homes do not have the necessary secondary legislation. Suggest that Starter Homes is removed from the SPD list of affordable housing types until it is defined as such.</p> <p><b>Education:</b> It is not clear what the difference is between the education improvements which will be paid for by CIL and those more site specific contributions which will be sought through S106 agreements. Further detail should be provided to clarify the difference between the two. The Council may also wish to consider clarifying how they will calculate education contributions in relation to outline applications where the exact dwelling mix is unknown.</p> <p><b>Transport &amp; Access:</b> Upon adoption of CIL the Council will need to ensure that they are not seeking contributions from both S106 and CIL towards the same projects or types of infrastructure. It should also be clear which IDP projects developers would be expected to contribute towards and it should be demonstrated that these would meet the Reg 122 CIL tests.</p> <p><b>Health Care:</b> It is noted that no indicative formula is provided for calculating healthcare contributions. It would be beneficial for further guidance to be provided within the SPD.</p>
CIL-B-011	Simon Dackombe	Thames Valley Police	<p>Welcome the recognition of the need to secure contributions towards ‘Community Safety and policing. Would however wish to see more specific comments relating to the role of TVP as the ‘service’ provider. Would like to see a reference to ANPR</p>

			<p>cameras. In certain cases there may be a requirement for an on-site presence. Usually in the form of a 'touchdown facility'. Amended wording to paras 4.77-4.80 is suggested.</p>
<p><b>CIL-B-012</b></p>		<p><b>Boyer Planning on behalf of Redrow Homes and Wates Developments</b></p>	<p>Concerned that the proposed approach for some developer contributions may not meet the limitations set out in Reg 122 and 123 of the CIL regulations. Also concerned that the SPD does not make clear whether it is intended to apply prior to adoption of CIL.</p> <p><b>Affordable Housing:</b> Requirements appear to pass the CIL tests. Although the SPD should state that it is subject to site specific assessment and viability considerations.</p> <p><b>Transport &amp; Access:</b> It is considered that the current level of detail regarding potential S106 contributions towards transport and access proposals is not sufficient to enable a full response to be made at this stage. Further consultation is required once the specific transport schemes and payment mechanisms have been established.</p> <p><b>Education:</b> Appendix 4 does not acknowledge that existing school capacity needs to be taken in to account, nor define or provide guidance on the means of doing this. It is important to recognise that for outline applications housing mix will usually be indicative. S106s must therefore be sufficiently flexible to allow the sums to be paid to be determined once the precise mix is known and approved as part of RM applications.</p> <p><b>Open Space, Play Facilities, Outdoor Recreation and Sport:</b> It is clear that the evidence base for this cannot be considered up to date and should not form the basis for negotiations. An up to date evidence base is required which will be subject to further consultation. Para 4.37: There is no certainty provided as to when or how commercial development could trigger a contribution and how that assessment and judgement would be made. It is also not clear how any such contributions would be calculated. There is no evidence base to justify requirements related to commercial development and propose that this reference is deleted. There is no evidence to support Appendix 5.</p> <p><b>Indoor Sport, Recreation &amp; Community Facilities:</b> Again the evidence is out-of-date. An up-to-date evidence base should be provided which should be subject to further consultation prior to progressing these requirements.</p> <p><b>Nature Conservation &amp; Biodiversity:</b> No adverse comments.</p>

			<p><b>Apprenticeship &amp; Skills:</b> Argue that the SPD requirements do not appear to pass the tests of S106 obligations as set out in para 204 of the NPPF.</p> <p><b>Public Art:</b> There is no detail on how the provision of public art would make the development acceptable in planning terms. Whilst such provision is desirable it cannot be considered necessary as required by the CIL regulations.</p> <p><b>Health Care:</b> There is no guidance or formula to determine the nature and extent of the requirement. This lack of guidance could cause delay and uncertainty in the determination of major schemes where requirements will have to be determined from consultation with NHS trusts.</p> <p><b>Community Safety &amp; Policing:</b> Concerned that it has not been demonstrated how and to what extent, using tools such as 'secured by design' and CCTV requirements are necessary to make the proposed development acceptable in planning terms.</p> <p><b>Monitoring &amp; Enforcement:</b> Details on how costs will be updated must be clearly set out in the SPD and those details the subject of further consultation.</p>
<b>CIL-B-014</b>		<b>Sport England</b>	<p>Welcomes the council's approach to undertaking a Playing Pitch Strategy (PPS) and Built Facilities Strategy (BFS). It should be noted that Sports England does not support a standards based approach. The PPS and BFS will provide a robust evidence base and strategy for directing developer contributions.</p>
<b>CIL-B-017</b>		<b>Oxfordshire County Council</b>	<p>A number of minor wording changes have been suggested.</p>
<b>CIL-B-018</b>		<b>West Waddy ADP on behalf of JA Pye (Oxford) Ltd</b>	<p>The SPD shows a very extensive range of infrastructure that will continue to be funded from planning obligations rather than CIL. This is contrary to the understanding that CIL would in large part replace S106 contributions. It is also fundamentally different to the approach of Oxford City Council. Argument made that the combination of CIL and S106 requirements as set out in the SPD fails to demonstrate the viability of what is required. It is important that the SPD is amended to make it compliant with Government policy.</p>
<b>CIL-B-20</b>		<b>OxLEP</b>	<p>Table 2: No reference is made to skills or the Employment, Skills and Training Plans which are detailed in Appendix 13. This point would be strengthened if the wider skills agenda was reflected rather than just apprenticeships and if it were removed from the 'education' section to a stand-alone section. OxLEP supports the section on Apprenticeship and Skills. It also supports the interim position statement set out in Appendix 13 and are seeking broadly similar approaches across Oxfordshire. Have developed a paper on the use of Community Employment Plans. Appendix 13 needs</p>

			to refer to the Sep 2016 not the 2014 version. It would also be useful to also include reference to the Oxfordshire Skills Strategy and its relevant strategic priorities as well as the SEP.
<b>CIL-B-021</b>		<b>Historic England</b>	Note the reference to heritage 'infrastructure' in Table 2 which we welcome. Surprised that there is no sub-section on heritage which could be used to explain how developer contributions can be used for the conservation and enhancement of the historic environment.
<b>CIL-B-022</b>		<b>Anglian Water Services Ltd</b>	Recommend that Table 2 be amended to refer to planning conditions being sought for foul sewerage network enhancement rather than CIL charges as proposed. Reference should also be made to our ability to seek contributions from developers in accordance with the provisions of the provisions of the Water Industry Act 1991.
<b>CIL-B-024</b>		<b>Bloxham Parish Council</b>	<p>3.6 - Assume that parish councils will be fully engaged in pre-application discussions.</p> <p>3.16 - When considering administration charges, will account be taken of parish clerk costs in administering the payments?</p> <p>3.17 - Should the LPA identify the trigger points or payments dates?</p> <p>3.18 - Late payments should automatically result in additional charges for monitoring and enforcement costs.</p> <p>3.20 - Unless the LPA directs the payment schedule it may find it difficult to monitor the receipt of appropriate payments.</p> <p>3.22 - The system to be in place for transfer to Parish Council's needs to be simple and clear.</p> <p>3.30 - Rewording suggested.</p> <p>Fig 1: second box down should include Parish Council</p> <p>4.15 - Wheelchair user dwellings should be included as standard.</p> <p>4.36 - It is not often appropriate for full on site provision if these facilities are then to be the responsibility of a management company for which residents are charged. Far better to improve the village facilities as a whole for play and recreation and thereby encourage the integration of new residents.</p>
<b>CIL-B-025</b>		<b>Adderbury Parish Council</b>	Supports the retention of developer contributions outlined in the SPD. Agrees with the types of infrastructure outlined for S106 in Table 2. However, suggests that traffic calming measures are included as a potential developer contribution wherever they may be relevant to a particular site. Encourages CDC to engage more

			fully with PCs in making decisions with regard to developer contributions which affect their parish.
<b>CIL-B-026</b>		<b>David Lock Associates on behalf of Hallam Land Management Ltd</b>	<p>Table 2 and the relevant topic sections need to be clearer about the relationship between CIL and planning obligations for potential off-site items including education, early years, health, strategic waste and management and nature conservation and biodiversity.</p> <p>Section 3 should include text regarding the ability to recover unspent contributions. The average occupancy rate per dwelling of 2.49 should be revisited to reflect the most recent household projections. The average pupil generation per dwelling should be based on more up to date evidence than the 2008 Oxfordshire Survey of New Housing.</p>
<b>CIL-B-027</b>		<b>Richborough Estates</b>	<p>Security and Timing of Payments: Quoting case law argued that in the vast majority of cases fees cannot be charged for monitoring/administration of planning obligations. Any reference to such fees should therefore be deleted.</p> <p>Para 3.16 – Needs to be amended to remove reference to financial contributions usually being paid prior to the implementation of a planning permission. All the paragraph needs to say is that a financial contribution should be made in accordance with a programme of agreed payments.</p> <p>3.19 – Additional text is needed to reflect the fact that a 14 day period must be extended if necessary to allow any disputes to be resolved.</p> <p>4.14 – This requires that developments of at least 400 dwellings should include a minimum of 45 self-contained extra-care dwellings. The SPD does not provide any evidence as to why a figure of 45 is used, or why a threshold of 400 dwellings is enough to accommodate extra-care.</p> <p>4.15 – If the Council wishes to introduce policy relating to M4(2) standards it must do this through the Local Plan and not an SPD. Paragraph 4.15 should be deleted.</p> <p>4.28 – should be amended to say <i>that 'where necessary new development will be required to provide financial and/or in-kind contributions as mitigation if the development results in adverse transport impacts.'</i></p> <p><b>Open Space, Play facilities, Outdoor Sport &amp; Recreation:</b> It is difficult to see how the Council can make a genuine up-to-date assessment of need when their evidence base is so out of date. The Council needs to qualify why 15 years is the most appropriate length of time for maintenance costs. Object to the potential restriction</p>

			<p>on the use of management companies.</p> <p>Community Safety &amp; Policing: It would be very difficult to link new proposals to issues of crime and disorder. Paragraph 4.78 needs more thought and references to the tests for planning obligations.</p> <p><b>New Schools:</b> Some new schools can be owned and funded by companies whilst others are fee paying. In such circumstances it is not considered appropriate that these types of providers should receive land at no charge to themselves. A developer should not be expected to pay more than the amount generated by new pupil numbers. Appendix 4 needs amending to caveat the requirements regarding land for new schools and any subsequent financial contributions.</p> <p><b>Appendix 7:</b> The SPD must make a distinction between the costs of new facilities and the costs of improving existing facilities.</p> <p><b>Appendix 11:</b> If the open space provision meets the District Council's requirements then getting parish or town council agreement is not necessary. There is no particular need to make reference to how approvals will be managed as these will be contained in individual conditions specific to each planning permission. It is difficult to understand why commuted sums would need to be looked at again and this needs to be explained by the Council. The SPD needs to be very clear under what circumstances revised calculations would be undertaken.</p>
<b>CIL-B-029</b>		<b>The Canal &amp; River Trust</b>	<p>The Trust will seek to maximise opportunities for partnership working to secure funding and will request developer funding where appropriate. Would like to see the upgrading of canal towpaths recognised where additional usage is likely to result from a specific development. The council recognise our concerns and has supported requests for S106 funding. Suggest that where an improvement/mitigation is required it should be secured by S106 rather than CIL. Would welcome this being clarified. Ask that specific canal towpath improvements are specifically mentioned.</p>
<b>CIL-B-030</b>		<b>Banbury Civic Society</b>	<p>The extent of infrastructure contributions will vary from site to site depending on a number of factors. It is not clear how a fixed schedule will provide for such variations in the same way as S106 can. Have any comparisons with current development sites in and around Banbury been made and if so what have been the conclusions?</p>
<b>CIL-B-031</b>		<b>Oxfordshire Clinical Commissioning Group</b>	<p>OCCG suggests an amendment in the Health Care section, para 4.75. This reflects developing OCCG policy and the units more frequently used for considering sustainable general practice size. There is some variation in the number of GPs</p>

			employed to serve a patient population across the county, and new developments in workforce planning are having significant effect. Proposes that the words '4 or more whole time equivalent (WTE) GPs' should be replaced by 'patient population of 8,000 or more (to be reviewed 2017)
<b>CIL-B-032</b>		<b>Barton Willmore on behalf of A2Dominion Group Ltd</b>	<p>Would welcome the opportunity of discussing the approach in respect of large strategic sites and NW Bicester in particular, and the interface between CIL and S106.</p> <p><b>Double Counting:</b> This is not permitted by law. The Council must ensure that the combined total impact of CIL and S106 obligations does not threaten the viability of the sites and scale of development identified.</p> <p><b>Pre Application Discussions:</b> It is vital that OCC is fully engaged with this process. While it can be good practice to submit information about a proposed planning obligation alongside an application, it should not normally be a requirement for validation of a planning application.</p> <p><b>Security &amp; Timing of Payment:</b> To ensure scheme viability is not threatened, CDC and OCC must adopt a flexible approach to the phasing of payments/delivery of on-site provision. How will CDC be reporting financial contributions?</p> <p><b>Table 2:</b> This schedule should include anticipated County infrastructure types and the mechanism for delivery.</p> <p><b>In Kind Contributions:</b> The SPD should reflect the fact that developments may provide 'payments in kind' to mitigate impact.</p> <p><b>Affordable Housing:</b> The Council advises that it will apply its policy requirement to all developments in the first instance. This is contrary to Government policy where CIL top slices the viability, and affordable housing is the balancing mechanism. Affordable housing will be subject to viability testing. This should be set out in the SPD.</p> <p><b>Calculation of Contributions:</b> Questions the evidence base behind the calculation of various contributions.</p>
<b>CIL-B-033</b>		<b>Blue Cedar Homes</b>	Viability testing demonstrates that sheltered retirement housing (Use Class C3) is very challenging. Applying generic obligations on retirement developments will be to constrain the delivery of schemes. C3 sheltered/retirement housing is subject to different levels of contribution across the authority. A justification for this argument is provided.

<b>CIL-B-039</b>	<b>Peter Webber</b>		It is particularly important that proper weight is given to S106 and S278 contributions. This is important as some charities who own land may be exempt from CIL. No major infrastructure, no major development.
<b>CIL-B-041</b>	<b>Susi Peace</b>		Because of the small amount of development in the village of Islip can the village apply for some of the fund relating to the other development that is near ie Bicester and JR as the traffic produced is making Islip unsafe for pedestrians.

# STAGE C

## **Public Consultation 23 November 2017 – 21 December 2017**

### **1. Consultation arrangements**

- 1.1. On 23 November 2017 the Council published a Second Draft Developer Contributions SPD for consultation. The consultees listed in the Statement of Community Involvement and anyone registered on the Council's database were notified by letter or email and were asked to comment on the Draft SPD.
- 1.2 **Hard copies** were also placed at deposit locations across the district including libraries and Council offices.
- 1.3 **Press Coverage:** The statutory public notice was placed in the following newspapers:
  - Oxford Mail (23 November 2017)
  - Bicester Advertiser (23 November 2017)
  - Banbury Guardian (23 November 2017)

A copy of the Public Notice is attached at Appendix C1.

### **2. Representations Received**

- 2.1 A total of 32 representations were received. A table providing a full summary of each representation is attached at Appendix 4.

### **3. How have they been considered?**

- 3.1 Each of the representations has been considered in detail and where appropriate suggested changes have been incorporated in the revised document. For example, additional information has been included on the provision of primary care facilities; and a new sub section on 'Heritage' has been added. A detailed officer response to each of the representations received is set out in Appendix 4.

### **4. Conclusion**

- 4.1 The production of the Developer Contributions SPD has involved wide ranging stakeholder consultation and formal public consultation. This has directly influenced both early development and later refinements of the document.
- 4.2 If there are any questions on this Consultation Statement please contact the Planning Policy Team on 01295 227985 or email [planning.policy@cherwell-dc.gov.uk](mailto:planning.policy@cherwell-dc.gov.uk)

## **Appendices**

- 1. Public Notice**
- 2. Consultation letters/emails**
- 3. Representation Form**
- 4. Summary of Representations Received and Officer Response**

## **CHERWELL DISTRICT COUNCIL**

### **PLANNING POLICY CONSULTATIONS**

**23 November 2017 to 21 December 2017**

#### **Draft Developer Contributions Supplementary Planning Document (SPD)**

A new Draft Developer Contributions SPD is being published for consultation. The purpose of the SPD is to set out the Council's approach to seeking Section 106 planning obligations from new developments for the provision of infrastructure, community facilities and services.

#### **Draft Design Guide Supplementary Planning Document (SPD)**

A new Draft Cherwell Design Guide SPD is being published for consultation. The purpose of the SPD is to support the delivery of high quality homes and places across the District. The contents of the SPD will be used to provide guidance to developers and help support robust decision making on design issues by the planning authority.

**Viewing the Documents: Online at: [www.cherwell.gov.uk/planningpolicyconsultation](http://www.cherwell.gov.uk/planningpolicyconsultation)**

**Hard copies at the locations below during opening hours**

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

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

**Banbury Library, Marlborough Road, Banbury, OX16 5DB, Monday 9am-1pm, Tuesday 9am-7pm,  
Wednesday 9am-8pm, Thursday and Friday 9am-7pm, Saturday 9am-4.30pm**

**Woodgreen Library, Woodgreen Leisure Centre, Woodgreen Avenue, Banbury, OX16 0AT, Monday  
10am-5pm, Tuesday 10am-1pm, Wednesday 2pm-5pm, Thursday 10am-1pm, Friday 10am-5pm,  
Saturday 9.30am-1pm**

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

**Bicester Library, Franklins House, Wesley Lane, Bicester, OX26 6JU, Monday 9.30am-7pm, Tuesday  
9.30-5pm, Wednesday and Thursday 9.30am-7pm, Friday 9.30am-5pm, Saturday 9am-4.30pm**

**Kidlington Library, Ron Groves House, 23 Oxford Road, Kidlington, OX5 2BP, Monday 9.30am-5pm,  
Tuesday 9.30am-7pm, Wednesday 9.30am-1pm, Thursday 9.30am-5pm, Friday 9.30am-7pm,  
Saturday 9am-4.30pm**

**Adderbury Library, Church House, High Street, Adderbury, OX17 3LS, Tuesday: 10am-12pm & 3pm-  
7pm, Thursday 2pm-5pm & 6-7pm, Friday 10am-12pm & 2pm-5pm, Saturday 9.30am-1pm**

**Deddington Library, The Old Court House, Horse Fair, Deddington, OX15 0SH, Monday 2pm-5pm,  
5.30pm-7pm, Wednesday 9.30am-1pm, Thursday 2pm-5pm, 5.30pm-7pm, Saturday 9.30am-1pm**

**Hook Norton Library, High Street, Hook Norton, Banbury, Oxon, OX15 5NH, Monday 2pm-5pm,  
6pm-7pm, Wednesday 2pm-5pm, Friday 2pm-5pm, 6pm-7pm, Saturday 9.30am-12.30pm**

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

**Bicester LinkPoint, Franklins House, Wesley Lane, Bicester, OX26 6JU, 8.45am (10am Wednesday) to 5.15pm Monday to Friday**

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

**Submitting Comments: Comments on the documents should be sent: By email to [PlanningPolicyConsultation@cherwell-dc.gov.uk](mailto:PlanningPolicyConsultation@cherwell-dc.gov.uk) Or by post to: Planning Policy Consultation, Planning Policy Team, Strategic Planning and the Economy Cherwell District Council, Bodicote House, Bodicote. Banbury, OX15 4AA.**

**Comments should be received no later than 5pm on Thursday 21 December 2017. Any comments received will be made publicly available.**

**YVONNE REES, JOINT CHIEF EXECUTIVE**

## Strategic Planning & the Economy

Adrian Colwell – Head of Strategic Planning & the Economy

# Cherwell

DISTRICT COUNCIL  
NORTH OXFORDSHIRE

NAME  
ADDRESS LINE 1  
ADDRESS LINE 2  
TOWN  
COUNTY  
POST CODE (must be on  
own line)

*Bodicote House  
Bodicote  
Banbury  
Oxfordshire  
OX15 4AA  
[www.cherwell.gov.uk](http://www.cherwell.gov.uk)*

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Please ask for: Tony Crisp

Direct Dial: 01295 227985

Email: [Planning.policy@cherwell-dc.gov.uk](mailto:Planning.policy@cherwell-dc.gov.uk)

Our Ref: Design Guide/S106

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20 November 2017

Dear Sir/Madam

**Notification of Planning Policy Consultations  
Draft Developer Contributions Supplementary Planning Document (SPD)  
Draft Design Guide Supplementary Planning Document (SPD)**

Please find enclosed a copy of a public notice about consultations on the above planning policy documents. The consultation period extends from Thursday 23 November 2017 to Thursday 21 December 2017.

You have been sent this notification as your contact details are on our Local Plan database. If you no longer wish to be informed of our planning policy consultations then please let us know by telephoning 01295 227985 or by emailing [planning.policy@cherwell-dc.gov.uk](mailto:planning.policy@cherwell-dc.gov.uk).

Please note that we now have a separate email address for consultation responses. This is [PlanningPolicyConsultation@cherwell-dc.gov.uk](mailto:PlanningPolicyConsultation@cherwell-dc.gov.uk). Hard copies can still be posted.

Yours faithfully

*David Peckford*

David Peckford  
Deputy Manager – Planning Policy & Growth Strategy

**DRAFT DEVELOPER CONTRIBUTIONS SUPPLEMENTARY PLANNING DOCUMENT (SPD)  
Regulations 12b and 13 of the  
Town and Country Planning (Local Planning) (England) Regulations 2012**

**Representation Form**

Cherwell District Council is currently consulting on a new Draft Developer Contributions Supplementary Planning Document (SPD). It is a new guidance document which sets out what contributions developers should be asked to make when they submit a planning application to help the funding of infrastructure such as schools, road improvements, community facilities and open space needed to support new development in the district.

The SPD and associated documents are available to view and comment on from **23 November 2017 – 21 December 2017**.

To view and comment on the documents please visit [www.cherwell.gov.uk/planningpolicyconsultation](http://www.cherwell.gov.uk/planningpolicyconsultation).

The consultation documents are also available to view at public libraries across the Cherwell District, at the Council's Linkpoints at Banbury, Bicester and Kidlington, at Banbury and Bicester Town Councils and Cherwell District Council's main office at Bodicote House, Bodicote, Banbury.

You may wish to use this representation form to make your comments. Please e-mail your comments to [planningpolicyconsultation@cherwell-dc.gov.uk](mailto:planningpolicyconsultation@cherwell-dc.gov.uk) or post to Planning Policy Team, Strategic Planning and the Economy, Cherwell District Council, Bodicote House, Bodicote, Banbury, OX15 4AA no later than Thursday 21 December 2017.

You should receive a written acknowledgement. Email acknowledgements will be sent automatically by return. Acknowledgements by post should be received within five working days of your response being received. If you do not receive a written acknowledgement, please contact the Planning Policy Team on 01295 227985.

Please note that all comments received will be made publicly available.

**Representations must be received by Thursday 21 December 2017**

**Please provide the following details:**

NAME: .....

ADDRESS: .....

.....

EMAIL: .....

TEL NO:

AGENT  
NAME: .....

AGENT  
ADDRESS: .....

.....

AGENT  
EMAIL: .....

AGENT .....

TEL NO:

Your details will be added to our mailing list and you will be kept informed of future progress of this document and other Local Plan documents. If you wish to be removed from this mailing list please contact the Planning Policy team. Details are at the bottom of this representation form.

**1. DRAFT DEVELOPER CONTRIBUTIONS SUPPLEMENTARY PLANNING DOCUMENT**

**Do you have any comments on the Draft Developer Contributions SPD?**

Please make it clear to which part of the Document your comments relate.

**Please continue on another sheet if necessary.**

**Thank you for taking the time to respond to this consultation. Please ensure your comments are submitted by 21 December 2017.**

Representation Number	Name	Summary	Officer Response
S106-A-001	Anglian Water Services Ltd	<b>Flood Risk (paras 4.86-4.88)</b> – Reference is made to developers considering the risk of flooding from all sources including sewers and surface water which is welcomed. The use of SuDs being required is also welcomed. Request that reference is included to the use of planning conditions for both foul and surface water drainage.	These comments have been noted and welcomed. Reference to the use of planning conditions for both foul and surface water drainage has been added to the Table in Appendix 15 of the SPD.
S106-A-002	Sport England	<b>Indoor Sport &amp; Recreation</b> – Supports the updating of the current 2006 Assessment, but cannot support the adoption of standards. This is in conflict with NPPF para 73. Sport England has a number of tools which can assist in providing robust assessments and have been promoting to CDC over the years. The results of using standards can be farcical. Supports the council's approach to seeking contributions but they need to be based on sound evidence and not setting local standards for sport. Participants can normally travel 20 minutes for the majority of pitch and indoor sports, however in some instances over an hour is not unusual for travelling time. Sport England therefore supports the creation of sporting hubs in the right locations which must be supported by the sport's governing bodies and based on sound assessments.	The Council is currently undertaking a review of the District's Indoor sport and recreation provision. If this work results in the need to amend the Council's standards/approach, they will be updated in the Cherwell Local Plan Part 2. Sport England is actively engaging in the District's review.
S106-A-003	Oxford Bus Company	Support para 4.145. The guidance should also state that if OCC become the funding authority it should be stated that when operators who receive S106 funding from the transport authorities and hence a service is under contract to OCC bus operators that are able to claim concessionary fares scheme can claim marginal capacity costs where applicable from the County Council. Keen that the formula at para 4.146 does not create the unintended consequence of expected LGF/Alternative funding not coming forward and therefore making a scheme unviable. The formula needs to be amended to reflect the certainty of funding.	These comments are noted and welcomed. The formula at paragraph 4.145 has been amended following comments from Oxfordshire County Council. This amendment should address the concerns raised in this representation. It is considered that the suggested change to the text regarding concessionary fares is too detailed to be appropriate for the SPD.
S106-A-004	Natural England	Whilst welcoming the opportunity to comment, the SPD is unlikely to have major impacts on the natural environment.	Noted

S106-A-005	Bloxham Parish Council	<p><b>Para 3.5: Pre Application Discussions</b> – If these discussions are to be meaningful and effective, it is essential that the LPA has prior awareness of the requirements of the local community. This is especially relevant where there is a ‘made’ NDP.</p> <p><b>Para 3.15: Viability</b>- It is not clear how this would be effectively monitored.</p> <p><b>Para 4.46: Cemeteries:</b> Consideration needs to be included for the inclusion of village sites and their requirements for additional cemetery space.</p> <p><b>Para 4.59: Indoor Community Provision:</b> This will have greater relevancy following a meaningful discussion with the local community.</p> <p><b>Para 4.67:</b> In areas where minor developments would be permitted then the baseline needs to be set very much lower than 100 dwellings. These smaller developments still result in an impact on the provision of facilities. If changes should allow greater massing of development contributions the sums from such developments could lead to positive improvements.</p> <p><b>Education:</b> There does not appear to be a calculation set out for the provision of pre-school education and support of Children’s Services.</p> <p><b>Para 4.91: Healthcare</b> – Strongly support these comments.</p> <p><b>Para 4.118: Biodiversity</b> – This is an example of where discussions as set out in point 1 would have relevancy.</p> <p><b>Para 4.127: Local Management Organisations</b> – Strongly support this.</p> <p><b>Appendix 7 and 8</b> – Strongly support the comments in these appendices. (It should be noted that there appears to be a lack of awareness of this topic as included within this CIL consultation document within the wider Planning Department).</p> <p><b>Para 4.101</b> – As with point 1 the local community/PC needs to be meaningfully involved.</p>	<p><b>Pre-Application Discussions &amp; Viability:</b> These comments are noted. The sections on viability reflect Government Guidance.</p> <p><b>Cemeteries:</b> An additional reference has been added.</p> <p><b>Education:</b> OCC is the Education authority. The requirements in the SPD are guided by their advice. Figures have been added to reflect nursery requirements.</p> <p><b>Para 4.67 – Community Development Workers:</b> The requirements set out in the SPD are based on the Council’s 2017 Cherwell Community Spaces and Development Study.</p> <p>Other comments raised by the Parish Council have been noted but it is not considered necessary to amend the SPD.</p>
S106-A-006	South Oxfordshire DC	Have no comments to make.	Noted
S106-A-007	The Environment Agency	Pleased to see that you have referred to flood risk and water efficiency in paragraphs 4.86- 4.88. In paragraph 4.87 please note that it is the	These comments have been noted.

		<p>sequential test that should be referred to first as a way of avoiding flood risk before the sequential approach is applied. This is consistent with the NPPF paragraphs 100-103. The sequential approach is applied within a site when there is a range flood zones within the site. The sequential test looks at delivering development on sites with a lower probability of flooding. In 'Appendix 15: Guide to Funding Mechanisms by Infrastructure Type' we are pleased to see that 'Strategic Flood Defence', 'Enhancements to the sewerage network beyond that covered by the Water Industry Act and sewerage undertakers' and 'Nature Conservation and Biodiversity' have been included in the table in reference to CIL contributions.</p> <p>Please note that under the 2010 Flood and Water Management Act, responsibility for local flood risk (ie flood risk from ordinary watercourses, surface water and ground water) is transferred to the lead local flood authority. In this case the LLFA is Buckinghamshire County Council. The Environment Agency does not comment on groundwater or sewer flooding. We only comment on fluvial flood risk (flooding from main rivers).</p> <p>In paragraph 4.128 you have mentioned watercourses as part of the public realm. Please can you clarify whether watercourses and their associated riverbanks have been considered as a valuable part of green or blue infrastructure? Will developers be expected to contribute to green infrastructure? Paragraph 4.114 refers to the arrangements for the long term management and maintenance of mitigation for the ecological impacts of a development. We expect this to include the ecological buffer zones for watercourses and the rivers themselves. In paragraph 4.118 you have stated that, 'biodiversity offsets should not be classified as infrastructure..... as they don't provide any facility for those living within or using the new development'. We disagree with this point as biodiversity enhancements can provide an amenity value for residents.</p>	<p>Watercourses and associated riverbanks are considered to be part of the green/blue infrastructure. Para 4.118: The SPD states that it is not considered that biodiversity offsets are subject to pooling restrictions. It is accepted that biodiversity enhancements can benefit local residents. No changes are therefore not considered necessary to the SPD.</p>
S106-A-008	Bicester Town Council	Appendix 7: Bicester Town Council would expect to be directly consulted at an early stage of consultation for any contributions which directly affect Bicester.	The comments of the Town Council have been noted. Detailed Development Management

			<p>consultations are not a matter for the SPD.</p>
<p>S106-A-009</p>	<p>David lock Associates on behalf of the University of Oxford, Merton College and private landowner (The Tripartite)</p>	<p>The Tripartite supports the principle of a Developer Contributions SPD. It recommends changes to maximise its effectiveness and clarity once in force.</p> <p>Relationship to CIL: It is considered essential that the role and scope of S106 obligations is reviewed to reflect any legislative or functional change to the role of CIL. Such changes would necessitate a review of the Developer Contributions SPD. The Tripartite has reservations regarding the potential mechanism to deliver strategic transport infrastructure in the possible absence of an adopted CIL Charging Schedule. There is concern that a reliance on s106 contributions to fund strategic infrastructure places a disproportionate requirement on large-scale developments and risks smaller developments failing to make equitable contributions towards such infrastructure.</p> <p><b>Affordable Housing:</b> University staff housing must be included as part of the affordable housing provision - the Tripartite considers University staff housing to be an intermediate form of tenure that is subject to specific clause /terms of the lease (as detailed further in the representations on the Local Plan Partial Review (in respect of Policy PR8). The Tripartite request that this is reflected in the Developer Contributions SPD.</p> <p><b>Community Hall Facilities &amp; Indoor Sport &amp; Recreation:</b> Where a development meets the necessary threshold, the Council requires through the SPD that the developer of the site shall design and build and then transfer the relevant community facility. There may be alternative models of delivery for community facilities including where third parties may want to provide a facility and so some flexibility to this requirement should be incorporated in the SPD to allow for such alternative delivery models. Furthermore, the guidance should make appropriate reference to the possible co-location of facilities that can accommodate a range of services and multi-use provision in one location, in the interests of the efficient use of land and resources. The opportunity for co-location of community, sports and other facilities including, for instance, schools</p>	<p><b>Relationship to CIL:</b> Further clarification on the relationship of the SPD and CIL has been added to the text of the SPD.</p> <p><b>Infrastructure Requirements:</b> The SPD is clear that the Council will only seek a planning obligation that meets the 3 tests set out in CIL Regulation 122.</p> <p>The Partial Review of the Cherwell Local Plan, once adopted, will set out the detailed policies and requirements for affordable housing to meet Oxford’s unmet housing need.</p> <p>In addition, detailed development briefs will be prepared for the strategic housing allocations proposed in the Partial Review Plan.</p> <p><b>Definition of ‘major’ development –</b> This has been clarified in the SPD text.</p> <p>There may be a case for alternative delivery models. However, these will need to be assessed on a site specific basis. There is no requirement to amend the SPD.</p>

		<p>should be considered on a case-by-case basis for major strategic developments, and therefore the SPD should be flexible to reflect and facilitate this. Notwithstanding the recognition that contributions will be assessed on a site-by site basis, the Tripartite also considers that the requirement for a community development worker should include specific reference to being subject to site specific considerations and justification. The threshold for this requirement is quite low and it will depend on the location [in relation to existing communities] and nature of the site and proposed development.</p> <p><b>Open Space, Play facilities, Outdoor Sport &amp; Recreation:</b> Supports the principle of applying suitable standards to meet local need. However, there is a need to include a more flexible approach to open space provision and the application of the standards, particularly as the standard refers to both a quantitative and accessibility standard. A case by case consideration still needs to be applied and reflected in the SPD.</p> <p><b>Community Safety:</b> supports the principle of ensuring that developments are safe and inclusive but considers that as a priority this should be achieved through scheme design. If, on particular sites or in certain parts of a development, additional measures, such as CCTV, are considered necessary and safety cannot be addressed by other means, then it may be appropriate to consider such measures but do not consider that this should be a default infrastructure requirement.</p> <p><b>Education:</b> It is vital that the education requirement for a development is fully supported by evidence to demonstrate the associated child/pupil yield equates to the type, number and size of schools to be provided as part of a development. The SPD refers to situations where a new school may serve the needs of multiple developments and that ‘the cost of the school shall be shared proportionately across the relevant developments’. It is important that infrastructure requirements, such as schools, that relate to more than one ‘allocated development site’ are considered in the context of the NPPF and apportioned on a pro rata basis across relevant sites. This will need to take account of the land-take required on the site that may provide the school and its value since it will be land that</p>	<p><b>Open Space:</b> The open space standards are set out in the adopted Cherwell Local Plan. The SPD cannot amend these.</p> <p><b>Community Safety:</b> The requirements go beyond scheme design therefore they are appropriate for the SPD.</p> <p><b>Education:</b> The requirements in the SPD reflect the requirements of OCC, as the Education Authority. The SPD addresses the provision of a new facility to serve multiple developments. No change is required.</p> <p><b>Pooling Restrictions:</b> The SPD clearly outlines the regulations relating to ‘pooling’ and the limitations that this brings.</p> <p><b>General:</b> Specific S106 requirements will be a detailed matter for planning applications.</p> <p>Other comments raised in the representation have been noted but it is not considered necessary to amend the SPD.</p>
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		<p>would otherwise be developable for other uses, including residential. It is necessary that final contributions are fair and equitable taking account of the additional provision of land and requests that this is clearly stated in the SPD, for the avoidance of doubt.</p> <p><b>Transport:</b> Concerned about the approach to delivering strategic transport schemes. The proposed approach outlined at Paragraph 4.146 indicates that s106 contributions will be required for strategic transport schemes, related to cumulative growth using a defined formula. Concerns regarding this proposed approach are twofold:</p> <ul style="list-style-type: none"> <li>• The proposed formula which is outlined as a means of ensuring that “the cost of a scheme will be shared proportionately across the relevant developments”, makes no reference to pooling restrictions set out within the CIL Regulations, which could restrict the ability to obtain contributions from appropriate developments; and.</li> <li>• The guidance fails to outline how contributions will be obtained from small to medium sized developments that cumulatively create impact and consequently require improvements and benefit from any upgrade.</li> </ul> <p><b>General:</b> In a number of instances throughout the draft SPD, reference is made to “major residential developments”. This needs to be clearly defined and clarity provided to define the scale of “major” development that could trigger the need for such an obligation, as there is ambiguity or a lack of precision within the current wording. It is also acknowledged and supported by the Tripartite that strategic scale developments, such as the type promoted by the Tripartite at Begbroke (Draft Allocation PR8) will enable the delivery of a variety of community and local facilities. Where this is the case, recognition should be given to the wide range of facilities (community, education and green infrastructure) that can be provided through such a major strategic development. Therefore, seeking the full range of obligations is, in some cases, not necessary or in some cases, desirable. Obligations for strategic developments would therefore benefit from being negotiated on a case by case basis, rather than be defined within a Developer Contributions SPD, and should reflect provision in-kind. the SPD and the relevant sections should identify:</p>	
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		<ul style="list-style-type: none"> <li>• Where a developer delivers early infrastructure in advance of development, then the abnormal costs of this infrastructure provision should be credited against future planning obligations. This approach is particularly pertinent to the delivery of strategic developments.</li> <li>• That where infrastructure requirements relate to more than one allocated strategic development site, costs will be apportioned on a pro-rata basis to each site having regard to the impact of the proposed development of each site, and appropriate phasing of infrastructure delivery.</li> </ul> <p>The Tripartite also welcomes and supports the reference to financial viability in respect of securing developer contributions. The viability of a development is a material consideration and must be taken into account when negotiating contributions with applicants/developers. This includes recognition of the delivery of on-site strategic infrastructure and ‘abnormal’ costs.</p>	
S106-A-010	David Lock associates on behalf of Gallagher Estates	<p><b>General:</b> Gallagher Estates support the preparation of a Developer Contribution SPD to help provide certainty of the general approach to requests for contributions and the operation of triggers and phased payments, with regard to the application of a proportionate approach to ensure contributions are fair and reasonable and justified. Do wish to identify areas where the guidance appears to be at odds with the statutory tests for planning obligations. Notwithstanding CDC’s uncertainty at whether it will progress to adopt CIL, it does remain difficult to have confidence in the effectiveness of a Developer Contributions SPD whilst there is uncertainty in how contributions towards strategic scale strategic infrastructure items will be funded. It is imperative therefore that there is flexibility built into the Developer Contributions SPD that allows a review should CIL come into force, and indeed capture any such changes to the legislative role of CIL. The draft SPD makes reference to “major” residential developments. “Major” should be clearly defined in this context, to provide certainty to developers, at an early stage. Furthermore, an approach that seeks the full range of obligations as a default, is not appropriate in many cases,</p>	<p><b>General:</b> Further clarification has been added to the text to acknowledge that the SPD will need to be reviewed should the Council adopt a CIL Charging Schedule (or other alternative) in the future.</p> <p>The SPD provides certainty and transparency for service providers and communities on the type and scale of Developer contributions that may be sought. The planning application stage provides the opportunity for precise heads of terms/ phasing etc to be discussed.</p> <p><b>Pooling Restrictions:</b> The SPD clearly outlines the regulations relating to</p>

		<p>particularly those that relate to strategic developments, a site-specific approach that is negotiated on a case by case basis, would be more effective than that defined within the Developer Contributions SPD. There should be flexibility built into the SPD that allows a more bespoke approach to infrastructure provision for larger-scale developments, to capture opportunities for alternative approaches to infrastructure delivery that can be achieved through development at scale. This also includes phased developments, whose infrastructure requirements may not follow common methodologies. In cases where development delivers early infrastructure in advance of development, including in cases where the it is to satisfy a “wider than site” generated need, the abnormal costs of this infrastructure provision should be recognised and credited against any such future planning obligations. A further concern is the potential reliance placed on s106 contributions to fund strategic infrastructure, in the absence of CIL, which can place disproportionate requirements on large-scale developments which can further threaten viability of larger scale developments that are already bearing significant site-specific infrastructure costs. There are a number of infrastructure items for which the SPD provides no supporting evidence as to how values (both capital payment and commuted sums) have been calculated, nor what assumptions support any such calculations. It must therefore fall to the development management process to interrogate costs sought in relation to a particular planning application, taking into account the specific needs arising from that development, existing capacity within the area and viability of the development.</p> <p><b>Affordable Housing:</b> Whilst there is some flexibility referred to in terms of disposition of affordable units across a scheme, and the quantum of total provision when set against development viability, the Council are seeking 80% of affordable housing as affordable rent/social rented dwellings and 20% as other forms of intermediate affordable homes, and as drafted, there is no apparent flexibility for an alternative method/type of provision. It is considered that the Council should allow itself more flexibility to allow changes to the tenure spilt, to ensure it can respond</p>	<p>‘pooling’ and the limitations that this brings.</p> <p><b>Definition of ‘major’ development –</b> This has been clarified in the SPD text.</p> <p><b>Infrastructure Requirements:</b> The SPD is clear that the Council will only seek a planning obligation that meets the 3 tests set out in CIL Regulation 122.</p> <p><b>Affordable Housing:</b> Affordable housing requirements and tenure splits are set out in the Council’s Local Plans.</p> <p><b>Air Quality:</b> The Council’s approved Air Quality Action Plan provides details on the application of these requirements.</p> <p><b>Indoor Sport, Recreation &amp; Community Facilities:</b> There may be a case for alternative delivery models. However, these will need to be assessed on a site specific basis. There is no requirement to amend the SPD.</p> <p><b>Land Costs:</b> The SPD acknowledges that costs relate to the costs of land as well as build costs. There is no requirement to amend the SPD.</p>
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		<p>effectively to changes in local housing demands and indeed to amendments in national legislation.</p> <p><b>Air Quality:</b> The draft SPD suggests that contributions will be required by developments within and adjacent to Local AQMA's to deliver mitigation measures to offset increases in local pollutant emissions or to make financial contributions to improvement measures or air quality monitoring. In addition, reference is made to contributions for cumulative developments' but there is no specific guidance on what might be considered 'cumulative'. As drafted, the SPD is not precise in terms of the scope of development that might be required to contribute towards air quality mitigation, nor are details provided in relation to the method of calculating such contributions. Gallagher Estates have concerns that as drafted, the SPD is not precise and does not provide any certainty as to how the impact on air quality and proportionate contributions, could be generated and as a such, as currently drafted this could result in a significant cost burden for the development that cannot be considered as directly relevant to a development proposal.</p> <p><b>Indoor Sport, Recreation &amp; Community Facilities:</b> The SPD should not be prescriptive in terms of the mechanism for delivery of sport, recreation and community facilities. As drafted the SPD assumes transfer of facilities to CDC, however to maximise effectiveness the SPD should provide sufficient flexibility to support alternative models of delivery for community facilities that include direct deliver by a developer, or indeed, third party delivery. Gallagher Estates also wish to comment on the Local Standard of Outdoor Open Space provision as set out in Appendix 4. The CDC provision exceeds the open space standards when compared against national open space standards, particularly with regards to the minimum size of individual facilities. The SPD should refer to opportunities for shared use of facilities, and co-location of facilities could provide efficiencies in management and maintenance responsibilities, as well as land-take, of benefit to the Council and the viability of the development.</p> <p><b>Education:</b> The SPD refers to circumstances where education infrastructure is provided that serves the needs of multiple</p>	<p>Other comments raised in the representation have been noted but it is not considered necessary to amend the SPD.</p>
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		<p>developments. Gallagher Estates supports the approach taken that such costs should be shared proportionately across the relevant developments, however the SPD should make clear that costs relate to land as well as build costs, including the costs of servicing a site. These elements are all part of the overall infrastructure cost and it is imperative that infrastructure apportionment is comprehensive and captures each element of cost associated with its provision.</p> <p><b>Transport:</b> In the absence of certainty regarding CIL, the SPD seeks to capture funding for strategic transport schemes through a matrix type contribution to development, stating that contributions will be sought from 'relevant developments'. The SPD makes no reference to pooling restrictions, which could restrict the ability to obtain contributions from appropriate developments. There is also reference to strategic sites and major development, but limited certainty on the approach taken to smaller sites, and how contributions could be obtained from smaller developments. The implications are an over-reliance on large scale sites to deliver strategic transport projects, which could have significant implications for the viability of large-scale schemes that generally bear significant site specific up-front infrastructure costs.</p>	
S106-A-011	Education & Skills Funding Agency	<p>The ESFA strongly supports the use of planning obligations to secure developer contributions to education facilities where housing development generates the need for school places. CDC should also have regard to the Joint Policy Statement from the Secretary of State for Communities and Local Government and the Secretary of State for Education on 'Planning for Schools Development'<sup>1</sup> (2011) which sets out the Government's commitment to support the development of state-funded schools and their delivery through the planning system. The ESFA welcomes the level of detail accorded to education in the draft SPD and its appendices, including the commitment in paragraph 4.78 to securing financial contributions and/or the provision land and buildings for education. The reference to annual updates to the Infrastructure Delivery Plan (IDP) is also supported. While the ESFA recognises the Council's statement at paragraph 1.6 that the timing and scope of the</p>	<p>The comments in support of the SPD are welcomed.</p> <p>There is a pressing need to adopt the Developer Contributions SPD. The current Draft Planning Obligations SPD (July 2011) is out of date. Not progressing the new SPD will create uncertainty about the Councils' requirements for developer contributions.</p> <p>The requirements set out in the SPD for Education provision are based on</p>

		<p>Government's CIL review is outside the Council's control, nonetheless the outcomes of the review are soon to be published and it would make sense to postpone adoption of the SPD so that revisions to national policy can be incorporated. supports the Council's expectation in paragraph 4.79 that developments of a scale necessitating provision of a new school will fully fund a school of sufficient size to accommodate the forecast number of pupils generated. When new schools are developed, local authorities should also seek to safeguard land for any future expansion of new schools where demand indicates this might be necessary. The ESFA recommends that reference is made to the purchase of additional land at education land value, where appropriate, to allow for future expansion of the school. This would support the long-term sustainability of the school and education facilities in the area, especially in cases where the development only justifies a single form of entry (1FE) school. Appendices 1-3 provide details on pupil yields from housing developments and the costs of expanding schools. The ESFA supports the evidence-based approach being used, but questions whether the pupil yields in the 2008 Oxfordshire Survey of New Housing have been verified against more recent housing developments to ensure the pupil product ratios are still accurate. Welcomes the evidence of school expansion costs set out in Table 1, Appendix 3, and suggests that reference to DfE figures is clarified to explain the context of these figures and their annual update, to allow for the figures to be adjusted in line with any revised per pupil rate provided by DfE. The Council differentiates (Appendix 3, page 6) between the costs of providing school expansions and new builds. While the ESFA supports the Council's recognition of the difference in cost and the need for site-by-site negotiation for new schools, it would also be helpful if the SPD signposted evidence of average costs of new school provision. For example, the National School Delivery Cost Benchmarking report (February 2017)<sup>2</sup> sets out the average cost of providing new schools per pupil for primary schools (£19,051), secondary (£20,235) and special schools (£94,509), before location factors are applied. It may strengthen the Council's position in negotiating developer</p>	<p>local circumstances as advised by OCC.</p>
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		<p>contributions if the SPD refers to the benchmarking report, including any subsequent updates.</p>	
<p>S106-A-012</p>	<p>Banbury Town Council</p>	<p><b>Pre Application Discussions:</b> Banbury TC has previously stated that as a consultee, it would like to be privy to draft heads of terms for individual development proposals at the pre-application stage, ideally as part of wider stakeholder panels for interested parties within the town.</p> <p><b>Security &amp; Timing of Payment:</b> Banbury Town Council would like more explicit guidance concerning the timing of payments. The Town Council would like payments to be made as soon as possible to ensure that community infrastructure is in place before any transfer to the Town Council occurs. In relation to the topic of unspent funds, as a third party Banbury Town Council want clearer guidelines on how to access funds. Commuted sums don't increase with inflation and the parish council has to incur fees for the transfer from District to Parish, the cost of these fees and search fees is ever increasing. What happens if the transfer to the parish does not occur for five years or more? Often this means the spending of much of the money up front to restore or upgrade.</p> <p><b>Air Quality:</b> Are pleased to see the inclusion of Air Quality as there have been concerns over air quality in the area, particularly around Hennef Way and into Grimsbury.</p> <p><b>Apprenticeship &amp; Skills:</b> Support the raising of education attainment and aspiration levels in Banbury and the district. The basis for developing a highly skilled technical workforce already exists in Banbury through the automotive industry and needs to be built upon. More apprenticeships The Town Council would also like to see the inclusion for landscape/ horticulture. There is a significant shortfall of qualified and experienced people in the landscape sector and horticultural industry.</p> <p><b>Cemeteries:</b> Banbury's ability to provide cemetery services to the population of Banbury has been severely affected by the delay of Part 2 of the Local Area Plan. The cost list provided is by no means exhaustive and could go on to include parking provision, landscaping, head stone beams, toilets, bins, water provision. It mentions that an extension to the existing cemetery should be "subject to suitable ground conditions being</p>	<p>The comments of the Town Council have been noted. Many relate detailed development management consultation processes or legal/corporate processes which are too detailed to be included within the SPD.</p> <p><b>Cemeteries:</b> A reference to the laying out and landscaping of cemeteries has been added. The reference to ground conditions cannot be removed as the SPD is only reflecting local plan policy.</p> <p><b>Community Development:</b> The requirements set out in the SPD are based on the Council's 2017 Cherwell Community Spaces and Development Study.</p> <p><b>Recreation facilities; Health and Wellbeing:</b> The many sentiments expressed by the Council are reflected in the Adopted Cherwell Local Plan, especially Policy BSC 8.</p> <p><b>Para 4.123</b> – the text has been amended to reflect this request.</p> <p><b>Sports Facilities:</b> The Council is currently undertaking a review of the</p>

		<p>demonstrated” (paragraph 4.43) this has been adequately identified to Cherwell District Council in our Planning application to extend the site and in the approval of the extension by the environmental agency. The Town Council would ask that this comment be removed. The calculation for a new site (paragraph 4.51b) should include the items that you have identified but also include for:</p> <ul style="list-style-type: none"> <li>o Security of the site i.e fencing and gates</li> <li>o Electricity for lighting and self-closing gates/barriers etc.</li> <li>o Drainage</li> <li>o Beams</li> <li>o Road construction</li> <li>o Car Parking</li> <li>o Hard &amp; soft landscaping</li> <li>o Water Supply</li> <li>o Storage compound with properly constructed concrete flooring &amp; bays for soil storage.</li> </ul> <p><b>Community Hall Facilities:</b> one of the concerns of the Town Council in relation to the introduction of community hall facilities is the future of the management of the building and any facilities that it may offer.</p> <p><b>Community Development:</b> Applaud the recognition of a system to be put in place to set up associations, however SPD states that no contributions will be sought for any developments under 100 dwellings (para 4.67). Communities exist when any number of properties are built so this figure should be reduced to take this into account. Some villages/ hamlets have less than 100 houses in them and would be considered communities. Appendix 6 identifies offsite contributions of commuted sums provision for development of over 10 properties, this perhaps is a better standard for this purpose.</p> <p><b>Community Safety &amp; Policing:</b> Recognise the existing demand that is on services and how planned growth and development will further put these services under pressure. The Town Council already contribute toward CCTV, and the local Crime Partnership, and further endorse the need to additionally assist services.</p>	<p>District’s indoor sport and recreation provision. If this additional analysis work results in amendments to the Council’s standards, they will be updated in the Cherwell Local Plan Part 2. Once in place they will replace those in the SPD.</p> <p><b>Nature Conservation &amp; Biodiversity:</b>  <b>Open Space:</b> The adopted Cherwell Local Plan provides the policy basis for the SPD. Issues such as tree species and soft landscaping are too detailed for the SPD.</p> <p><b>Appendix 4, 6:</b> The current requirements reflect adopted Local Plan policy. The Council is currently undertaking a comprehensive review of open space and recreation provision within the District. If this results in a revision to the standards these will be reviewed in the context of Cherwell Local Plan Part 2.</p> <p><b>Appendix 8:</b> Noted. The agreement of the Town or Parish council is required for the transfer of sites.</p> <p><b>Appendix 9:</b> This reflects the adopted local plan policy.</p> <p><b>Appendix 10:</b> This advice has been</p>
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	<p><b>Health &amp; Wellbeing:</b> There is little mention of this tying into strategic landscaping and open space development on estates. It has been identified through numerous studies and reports that this criteria is overwhelmingly affected by what open space provision is provided and its design. This factor should be clearly identified in this section. One of the key benefits for this is the installation of outdoor gyms/fitness equipment, adequate seating, litter and dog bin provision, which always seems to be missed in landscape designs. There are numerous reports from experts in the field that this should be key to any new development proposal. Banbury Town Council see the need for further GP and service provision for the people of Banbury and the surrounding areas. There is an increase in the population of Banbury but the services available at the Horton Hospital are ever decreasing and the GP surgeries that are located in the town are at breaking point.</p> <p><b>Indoor Sport &amp; Recreation:</b> The document states that the recreation provision should meet with Sport England requirements (paragraph 4.104) this should also include the individual sporting authorities i.e. FA, LTA, TCCB, IRB etc. to ensure that the provision is fit for purpose. Current provision that has been handed over and transferred to the Town Council so far has not been.</p> <p><b>Nature Conservation &amp; Biodiversity:</b> There is no specific mention in the document about using native species or ensuring soft landscaping materials are from renewable/sustainable sources and provenance native sources.</p> <p><b>Open Space, Play Facilities, Outdoor Sport &amp; Recreation:</b> “Agreement will be sought with the relevant town or parish council on the equipment to be purchased.” (paragraph 4.123) The Town Council would like to add the wording <b>“and landscaping being undertaken”</b>. This is whether it is for open space, amenity, or recreational provision. There is no mention in this section about correct and appropriate allotment provision. Where ancillary items are to be addressed these areas should include:</p> <ul style="list-style-type: none"> <li>o Provenance of native materials used</li> <li>o Seating</li> </ul>	<p>provided by the Council’ Landscape Services Team. The Town Council’s concerns have been forwarded.</p>
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		<ul style="list-style-type: none"> <li>o Drainage</li> <li>o Safety &amp; security of users</li> <li>o Lighting</li> <li>o Toilets</li> <li>o Litter &amp; dog bins</li> <li>o Car parking as necessary (not only for sports provision but also large NEAP play areas where it is required to comply with the standard for this category of play provision).</li> </ul> <p>Banbury Town Council fully support what has been outlined in paragraph 4.127, and share the sentiment of preference that public open space, outdoor sports pitches and play areas on new developments continue to be adopted by the Council in agreement with the relevant town or parish council with a commuted sum.</p> <p><b>Public Realm &amp; Public Art:</b> It is essential that in future developments there is clearly identified ownership of public realm areas whether it is to be adopted by the local authority or put into private ownership.</p> <p><b>Transport &amp; Access:</b> The bus services within Banbury have been recently reduced, parts of the town that were previously serviced by a regular bus service are no longer. The Town Council wish to see improvements made in the bus service, and adequate provision of service to the planned development within the town. Banbury needs its traffic issues addressed. Bringing about a Southern Relief Road remains an aspiration, as the historic core of the town becomes clogged with HGVs making their way to and from the motorway. This can only be exacerbated by the planned new housing developments.</p> <p><b>Appendix 4:</b> There is no mention of outdoor fitness equipment or gyms. <i>“accompanied by changing facilities where appropriate”</i> all recreational provision should have some changing facilities especially outdoor sports provision.</p> <p><b>Appendix 5:</b> Both V. Sheltered and Care Homes are shown to have no requirement for parks, gardens, natural/semi natural or amenity green space. As previously mentioned for Health &amp; Wellbeing this is essential for all social groups to enjoy outdoor space and have that facility. Play is</p>	
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		<p>not just about children under the age of eighteen, the definition covers all age groups and is not just about the equipment but also encompasses: Educational, Social, Physical, Spiritual, or Mental needs of the community. There is also no mention of the needs of those with a disability be it physical or mental.</p> <p><b>Appendix 6:</b> LAP's – do not need to be equipped with play equipment with the Town Council preferring to have these unequipped spaces. These areas do however require the free play zone in addition to the ancillary items such as seating, litter bins and site security for free play. The locations of these sites is of major concern with current provision being located in inappropriate locations, this is especially important when striving to overcome any possible anti-social behaviour. LEAP's – catering for younger children from toddler to 12 shouldn't be combined with LAP's as suggested but incorporating this in its design. These should be designed with free space around it for ball games and free play. NEAP's – catering for users up to the age of eighteen. PEAP's should be included where possible on larger developments, but there is no mention of this type of provision for all potential users.</p> <p>It is requested that the Town Council be made aware of how these capital and maintenance costs have been calculated. An important issue that requires to be addressed is that prior to adoption of any land, most of these commuted sum costs are used by the Local Planning Authority for maintenance during the transfer of the land from the developers leaving little or reduced figures to be passed to the Town Council without any consideration or agreement. There are usually no details of what transpires with regard to the spending of these sums for maintenance prior to handover that has often taken many years to complete.</p> <p>Outdoor sports provision identifies the possibility of an artificial 3G pitch all sports provision should be provided to the most up to date standards and therefore this should be identified as a 4G pitch. There appears to be no mention of outdoor athletics facilities anywhere only indoor facilities.</p> <p><b>Appendix 7:</b> This mentions consultations, expectations, and agreements</p>	
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		<p>for land to be transferred but there is no mention that this will be reciprocated by the Local Planning Authority or their appointed service. The Town Council was promised several years ago that any strategic development discussions would include the Council in any round table consultation with developers, unfortunately to date this has not occurred. When comments have been made to date by parish or town councils, about land to be transferred through Planning consultation, these have normally fallen on deaf ears with no feedback or correspondence as to why our comments are ignored. If the Town Council is to be the end user and land owner of these areas, it is essential that it is included and correspondence with the Local Authority is not beneficial for both parties. This document states that developers are to “<i>submit detailed proposals to the LPA for approval</i>” – there is no mention of the LPA seeking agreement or approval from the parish or town councils to these or that we would be party to any monitoring or enforcement actions. If we are to be the recipient of these areas then we must be party to these aspects as well. RoSPA (page 14 last paragraph) is not the only authority in site safety and can often provide questionable reports on specific issues. If this is intended to refer to play areas then it should stipulate a <b>Registered Play Inspectors International (RPII)</b> inspection report which covers all aspects of provision in this area of expertise. On matter of Practical Completion again no reference to agreement with town or parish councils. Banbury Town Council would like this to be mandatory. It is mentioned that pitches are to be transferred after 2 years, this should not happen without the accompanying changing facilities (not mentioned under this section), which should be ready at and available for use at this time. <input type="checkbox"/> As this document is to become a binding document between the developer and Local Authority but there is no reference to ongoing consultations, expectations and agreements with the end authority who will be expected to take ownership of the land and maintain it for future use by the communities.</p> <p><b>Appendix 8: Local Management Organisations:</b> It is the opinion of the Recreation and Amenities Manager of Banbury Town Council that these</p>	
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		<p>have never worked and the diminishing bond is a major concern as is the possibility that this may only be available for the LPA should the LMO fail in its management of the area/s concerned. These sites have been observed degrading to such an extent that it takes a considerable amount of expenditure in time and resources to bring them up to a required standard. It is possible that the LPA may seek to transfer these to the parish or town councils dependent upon the site/s therefore we should be involved in any decisions made in this regard.</p> <p><b>Appendix 9:</b> There is no mention of indoor tennis courts.</p>	
S106-A-013	Bodicote Parish Council	<p><b>Para 3.5: Pre Application Discussions</b> – If these discussions are to be meaningful and effective, it is essential that the LPA has prior awareness of the requirements of the local community. This is especially relevant where there is a ‘made’ NDP.</p> <p><b>Para 3.15: Viability</b>- It is not clear how this would be effectively monitored.</p> <p><b>Housing Mix:</b> Banbury and the surrounding area has seen huge amounts of development. The villages and more rural areas also have a high proportion of older residents. Yet there has consistently been a lack of accommodation, either in size or a style that would be appropriate to meet the needs of our older residents. One only has to look at development locally to see that developers are only interested in building 3/4/5 bedroom homes, with no very little provision for residents of any age who require 1/2 bedroom dwellings.</p> <p><b>Air Quality:</b> Traffic congestion in the Banbury area has become a major headache for local residents, which will only be exacerbated by plans for further housing development. Facilitating use of public transport in reality sounds good, but in terms of practicality is difficult to implement. Bus services have either been cut or removed, making it difficult for many non-carowning and elderly residents to get about, and car drivers like the ease and flexibility of driving to and from places rather than being restricted by timetables and often high bus fares.</p> <p><b>Para 4.46: Cemeteries:</b> Consideration needs to be included for the inclusion of village sites and their requirements for additional cemetery</p>	<p><b>Pre Application Discussions:</b> These procedures reflect current development management practice.</p> <p><b>Viability:</b> The SPD reflects Government guidance.</p> <p><b>Housing Mix:</b> This requirement reflects the housing mix policy in the adopted local plan.</p> <p><b>Cemeteries:</b> An additional reference has been added.</p> <p><b>Education:</b> OCC is the Education authority. The requirements in the SPD are guided by their advice. There is a requirement for contributions towards nursery provision.</p> <p><b>Para 4.67 - Community Development:</b> The requirements set out in the SPD are based on the Council’s 2017 Cherwell Community Spaces and</p>

		<p>space.</p> <p><b>Para 4.59: Indoor Community Provision:</b> This will have greater relevancy following a meaningful discussion with the local community.</p> <p><b>Community Development:</b> This is something that needs to be looked at further, because in reality I don't think the nature of what is happening in development currently allows for integrated communities. The majority of new housing in village locations are bolted on to land parcels which often sit on the edge of the existing communities, are self- contained due to the design of the site, have their own infrastructure facilities and are rather insular in their nature</p> <p><b>Para 4.67:</b> In areas where minor developments would be permitted then the baseline needs to be set very much lower than 100 dwellings. These smaller developments still result in an impact on the provision of facilities. If changes should allow greater massing of development contributions the sums from such developments could lead to positive improvements.</p> <p><b>Education:</b> There does not appear to be a calculation set out for the provision of pre-school education and support of Children's Services.</p> <p><b>Para 4.91: Healthcare</b> – Strongly support these comments.</p> <p><b>Para 4.118: Biodiversity</b> – This is an example of where discussions as set out in point 1 would have relevancy.</p> <p><b>Para 4.127: Local Management Organisations</b> – Strongly support this.</p> <p><b>Appendix 7 and 8</b> – Strongly support the comments in these appendices. (It should be noted that there appears to be a lack of awareness of this topic as included within this CIL consultation document within the wider Planning Department).</p> <p><b>Para 4.101</b> – As with point 1 the local community/PC needs to be meaningfully involved.</p>	<p>Development Study.</p> <p><b>Air Quality:</b> The issues raised relate to planning policy. They should be addressed through the local plan and Local Transport Plan.</p> <p>Other comments raised in the representation have been noted but it is not considered necessary to amend the SPD.</p>
S106-A-014	Kingerlee Homes	<p>At Paragraph 1.14 the SPD includes a helpful distinction between planning obligations and the CIL charge and claims that overlaps should be avoided. It is rather perplexing therefore why such a distinction is not made in Appendix 15 'Guidance to Funding Mechanism by Infrastructure Type'. Whilst it is understood that the Council does not have a CIL</p>	<p><b>Relationship to CIL:</b> Further clarification has been added to the text of the SPD.</p> <p><b>Infrastructure Requirements:</b> The</p>

		<p>charging schedule, there are numerous examples of an 'Infrastructure Type' being (or intended to be) funded both through CIL and a Planning Obligation.</p> <p>The point is made in paragraph 3.4 that a S106 is appropriate when a planning condition is not. However, Appendix 14 includes several items which feature in both the S106 and in the Condition column. This should also be amended.</p> <p><b>Paragraphs 3.6 &amp; 7</b> – It is difficult to understand why an applicant (of a 'complex' proposal) would readily agree to 'Heads of Terms' prior to the validation of the application. At that point and perhaps not for some time after, the precise impact of the proposal would not have been fully assessed. There is a requirement that an application must be registered irrespective of the situation on 'Heads'. The applicant might reasonably reserve his position on this especially in those circumstances where he has signed an option agreement with an obligation to the landowner to reduce the impact of S106 costs, thus maximising the site value to the owner. It would be unreasonable to request an undertaking through a 'Heads of Terms' prior to any consideration of the application.</p> <p><b>Paragraphs 3.9 &amp; 10</b> – There may well be situations where a Unilateral Undertaking is an attractive alternative but arguably not in those instances where there is a need for a financial contribution. In this case having benefitted from a payment and as the District (or County) is not a signatory to the Undertaking then there is no obligation on them to spend the cash for the purposes for which it has been demanded and paid.</p> <p><b>Paragraph 3.13</b> – The second sentence is wholly unreasonable. If the Council (and possible the District Valuer if involved in determining the viability of the project) has agreed that a contribution renders a scheme unviable then there is no justification for that recognition to be set aside because an item of infrastructure or service is required. Does the Council expect the developer to proceed in such circumstances? This sentence must be deleted.</p> <p><b>Paragraph 3.15</b> – I am not aware of any instances in which a Council can</p>	<p>SPD is clear that the Council will only seek a planning obligation that meets the 3 tests set out in CIL Regulation 122.</p> <p><b>Paragraph 3.13:</b> The key test is whether the development is permissible having regard to the development plan and other material considerations.</p> <p><b>Paragraph 4.142 &amp; 143:</b> Planning Applications are required to submit Transport Assessments which set out the impact of development and hence mitigation that may be necessary.</p> <p><b>Paragraph 4.21:</b> This paragraph has been amended.</p> <p>Other comments have been noted but it is not considered necessary to amend the SPD.</p>
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		<p>have a 'second bight at the cherry'. An obligation has been entered into following a decision on the viability of the project based on pre-determined costs and values. Indeed the SPD identifies what these are in numerous cases as a price for an item of infrastructure including the indexation of contributions. All parties should proceed on the basis of what has been agreed, all taking 'the rough with the smooth'. How is the suggestion in the third bullet point taken forward if all the obligations have been satisfied and payments made and/or services provided? Will the Council reimburse the developer to a level of previously agreed profitability?</p> <p><b>Paragraph 3.17</b> – it may be more appropriate and equitable to request an undertaking from the applicant to pay the Council's reasonable legal costs before negotiating an agreement and then require/take payment with a few days of signing the S106 but not prior to.</p> <p><b>Paragraph 3.27</b> – insert 'reasonable' after Council's as per the last line.</p> <p><b>Paragraph 3.29</b> – refer to earlier comments.</p> <p><b>Paragraphs 3.30 - 32</b> – These cover the payment of a monitoring fee to ensure that transactions are timely and that obligations are complied with. If a payment is made on time for a service or facility to be provided by the District or County what recourse does the developer have if the authority does not perform in delivering that? The usual period of 10 years is for too long as the obligation is entered into in order to deal with the immediate impact arising. Even with contributions to the education service new/expanded facilities can be provided in this timescale.</p> <p><b>Guidance by Type</b></p> <p><b>Paragraph 4.9</b> Unfortunately I cannot argue in this response that the reference to 'gross' dwellings in the application of affordable housing is inappropriate as it is an approved Local Plan Policy. However, the earliest opportunity should be taken to review this and apply a net calculation, in line with the majority of Local Plan policies in other authorities. This would also be in line with DCLG guidance on the application of the Vacant Building Credit should premises be demolished and the site redeveloped. In such cases a net increase is assumed.</p>	
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		<p><b>Paragraph 4.21</b> – The ‘broadly equivalent value’ to determine the cost of a commuted payment must surely be that of the Affordable Housing Value (which is the level of the receipt from the AP) and not what would be the increased value of OMV less AHV.</p> <p><b>Paragraph 4.142 &amp; 143</b> – The Council cannot claim that all new developments will have a transport impact, a point which is acknowledged in the following paragraph by the word ‘likely’. Only after an appropriate assessment can the Council and Highway Authority establish the extent of any impact and seek the appropriate mitigation.</p>	
S106-A-015	William Davis Ltd	<p>The Draft SPD contains a number of new policies for Developer Contributions which are not in the adopted Cherwell Local Plan. Case law is quoted. The Policy areas of concern are:</p> <p><b>Affordable Housing Standards (Paras 4.16, 4.17):</b> If the Council wishes to adopt the nationally described space standards in a new local plan, then the Council should only do so by addressing the issue in accordance with the detailed criteria in the NPPG.</p> <p><b>Apprenticeships and Skills (Para 4.39):</b> Employment Skills and Training Plan (ESTP) for each new development. The justification for this is noted to be the Council’s Interim Position Statement on Planning Obligations for Construction Apprenticeships and Skill (April 2016), which has no status as part of the Development Plan.</p> <p><b>Community Development (para 4.65):</b> Financial contribution towards the provision of community development workers for major residential development.</p>	<p><b>Housing Standards:</b> These comments are noted. The SPD does not require the provision of these standards but reflects the aspirations of RPs.</p> <p><b>Apprenticeships &amp; Skills:</b> The Council’s requirements have recently been supported at appeal by a Government appointed inspector.</p> <p>It is considered that the wording in the SPD is compliant with all the relevant Government advice and legislation.</p>
S106-A-016	Barton Willmore on behalf of A2 Dominion Group Ltd	<p><b>General:</b> Concerned that the Draft SPD is not consistent with the CIL regulations nor best practice. The SPD should be predicated on the basis of the current position, ie no CIL. If CIL is adopted, then the Council should be clear that the SPD will be cancelled and reviewed. In terms of viability, the Council should set out its position and be clear as to the role of such assessment in the application of the SPD. Anticipated revisions to the NPPF may also affect the Council’s position on Section 106. Appendix 15 of the Draft SPD (November 2017) sets out the guide to</p>	<p><b>Relationship to CIL:</b> Further clarification has been added to the text to acknowledge that the SPD will need to be reviewed should the Council adopt a CIL Charging Schedule (or other alternative) in the future.</p> <p><b>Viability:</b> The SPD is clear on viability</p>

	<p>funding mechanisms for infrastructure types, including a breakdown between CIL and S106. Many of those originally listed as being addressed through CIL, such as education (Primary, Secondary, 6th Form, Special Education Needs) (Table 2 in the Draft SPD dated November 2016), are now listed as being dealt with as part of S106 Agreements also. It is unclear how the Council plans to approach funding mechanisms by infrastructure type. With regard to the relationship with the extant Section 106, the Developer Contributions SPD should be clear that ‘double counting’ of Section 106 contributions and CIL is not permitted by law. The key tests of CIL Regulation 122 should therefore be outlined within the SPD. The Council should not rely upon Section 106 contributions where CIL would provide a better mechanism to secure monies.</p> <p><b>Viability:</b> The Council must ensure that the combined total impact of CIL and/or Section 106 obligations does not threaten the viability of the sites and scale of development identified.</p> <p><b>Pre-Application Discussions:</b> It is vital that Oxfordshire County Council is fully engaged with this process, to ensure meaningful discussions take place. Whilst it can be good practice to submit information about a proposed planning obligation alongside an application, it should not normally be a requirement for validation of a planning application (Planning Practice Guidance, para 042), as currently set out in para 3.7. If Heads of Terms are to be a requirement of the local list, CDC should be able to justify their inclusion in relation to any particular development.</p> <p><b>Security &amp; Timing of Payment:</b> Note that the SPD makes reference to financial contributions usually being required prior to the implementation of planning permission (para 3,17). This is not acceptable or justified. To ensure scheme viability is not threatened, CDC and Oxfordshire County Council (OCC) must adopt a flexible approach to the phasing of payments/ delivery of on-site provision. This should be secured in the Section 106. Contributions are required to mitigate the impact of the development. If the development is not implemented, then the impact would not arise. How CDC intends to report financial</p>	<p>testing. Any future CIL charging schedule would need to be viability tested.</p> <p><b>Infrastructure Requirements:</b> The SPD is clear that the Council will only seek a planning obligation that meets the 3 tests set out in CIL Regulation 122.</p> <p><b>Timing of Payment:</b> The SPD clear that S106 agreements will have a programme of agreed staged payments where necessary.</p> <p><b>Health &amp; Wellbeing:</b> All contributions will need to meet the CIL tests as set out in the SPD.</p> <p><b>Appendix 15:</b> This is included for reference only. Assumptions with regard to future CIL requirements should not be made. These will be subject to a detailed consultation process.</p> <p>Other comments in relation to infrastructure have been noted. The Council will only require S106 contributions that are CIL compliant. Many of the issues raised are site specific and will be addressed at the planning application stage.</p>
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	<p>contributions should be set out in the SPD.</p> <p><b>Unilateral Undertaking:</b> Para 3.24 of the Draft SPD states that given that a unilateral undertaking (UU) does not have the Council as a party, there cannot be any obligations on the Council to return any unspent monies. The recent Albion Appeal (reference APP/C315/W/16/3163551), included a UU which obligated the Council to return unspent monies. Such obligations were accepted by the Inspector in the Appeal Decision. CDC should take into consideration recent appeal decisions in the drafting of this SPD and review its position accordingly.</p> <p><b>Appendix 15:</b> This sets out the mechanism for various forms of infrastructure. As stated, many of those originally listed as being addressed through CIL, are now listed as being addressed as part of S106 Agreements also. It is unclear how the Council plans to approach funding mechanisms by infrastructure type. How will CDC manage pooled contributions that may also be augmented by CIL receipts? This appendix should also include anticipated County infrastructure types and the mechanism for delivery.</p> <p><b>In Kind Contributions:</b> The SPD should reflect the fact that developments in the District may provide 'payments in kind' contributions to mitigate impact.</p> <p><b>Affordable Housing:</b> The Council advises that it will apply its policy requirement to all developments in the first instance (para 4.19). This is contrary to Government policy where CIL effectively 'top slices' the viability, and affordable housing is the balancing mechanism. Affordable housing provision will be subject to viability testing. This should be set out in the SPD. On page 17, the Draft SPD sets out Affordable Housing Standards. We do not consider this to be the appropriate document to set out Affordable Housing standards. This section should be deleted.</p> <p><b>Air Quality:</b> Many of the obligations set out in the Air Quality section of the Draft SPD (see para 4.32) could be addressed by way of a planning condition. Planning obligations should only be applied where planning conditions cannot be used to secure mitigation, i.e. for a financial contribution towards mitigation.</p>	<p>It is not considered necessary to amend the SPD.</p>
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		<p><b>Apprenticeships:</b> When considering viability as part of S106 negotiations, Councils must consider the indirect costs associated with the provision of apprenticeships and training. A2D note the 'end user phase' training requirement. Future occupiers of commercial space should not be obligated to employ local people only.</p> <p><b>Cemeteries:</b> The SPD should reflect the fact that developments in the District may provide 'payments in kind' contributions to mitigate impact.</p> <p><b>Community Hall Facilities:</b> This section again needs to address that some developments may provide 'payments in kind' to mitigate impact. CDC must adopt a flexible approach to the delivery of community hall facilities.</p> <p><b>Community Development:</b> As part of the UU for the recent Albion Appeal (reference APP/C315/W/16/3163551), a Community Development Workers contribution was set out. The Inspector concluded that the contribution sought was not directly related to the development and not fairly and reasonably related in scale and kind because they duplicate revenue raised through Council tax. Contributions to the cost of a Community Development Worker did not therefore meet the CIL tests. This requirement should be removed from the Draft SPD.</p> <p><b>Community Safety &amp; Policing:</b> CDC should ensure that contributions are sought towards CIL compliant infrastructure only.</p> <p><b>Education:</b> The SPD should reflect the fact that developments in the District may provide 'payments in kind' contributions to mitigate impact. Circumstances may arise where one development is asked to provide a school site to accommodate a school that is larger than would or is required to meet the needs of the development proposed. In such circumstances, the developer should receive a land payment for the additional land on an agreed basis. Elsewhere, this has been assessed on market value. OCC should adopt a flexible approach in the Draft SPD in terms of who should deliver new schools, i.e. developer or County or third party subject to Government policy at the time. To ensure scheme viability is not threatened, CDC and OCC must adopt a flexible approach to the phasing of payments and delivery of onsite provision in relation to</p>	
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		<p>educational facilities.</p> <p><b>Flood Risk:</b> Where flood risk matters could be dealt with by way of a planning condition, they should be. Planning obligations should only be applied where planning conditions cannot be used to secure mitigation, i.e. for a financial contribution towards mitigation.</p> <p><b>Health &amp; Wellbeing:</b> Here CDC needs to ensure that there is no 'double counting' as a result of duplicate revenue raised through Council tax. The SPD should reflect the fact that developments in the District may provide 'payments in kind' contributions to mitigate impact.</p> <p><b>Indoor Sport &amp; Recreation:</b> Para 4.104 states that CDC will expect the developer to design and gain the necessary planning consents for onsite sporting facilities. The developer will then be expected to build the facility in accordance with the approved scheme. Here, there is a question of evidence of need and not over providing. Again, 'payments in kind' in respect of sporting facilities should be considered. Where new facilities meet more than one developers needs, i.e. at NW Bicester, the cost of the facilities should be shared across developers. What is the mechanism where facilities will be used by other developments?</p> <p><b>Nature Conservation &amp; Biodiversity:</b> Where nature conservations and biodiversity matters could be dealt with by way of a planning condition, they should be. Planning obligations should only be applied where planning conditions cannot be used to secure mitigation, i.e. for a financial contribution towards mitigation.</p> <p><b>Open Space, Play Facilities, Outdoor Sport and Recreation:</b> Again, 'payments in kind' in respect of open space, play facilities, outdoor sport and recreation facilities should be considered in the Draft SPD. Furthermore, there is a question of evidence of need and not over providing. Where new sporting facilities meet more than one developers needs, i.e. at NW Bicester, the cost should be shared across developers. What is the mechanism where facilities will be used by other developments?</p> <p><b>Local Management Organisation for Open Space Management:</b> The Council should clarify what it means by a local management organisation.</p>	
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		<p>We do not consider this obligation to be CIL compliant. This requirement should be removed from the Draft SPD.</p> <p><b>Public Realm &amp; Public Art:</b> In relation to public art, the Albion Appeal Decision (reference APP/C315/W/16/3163551) concluded that the Council’s Infrastructure Delivery Plan makes no provision for the expenditure of any public art contribution. Where schemes are submitted in outline, layout and landscaping are often reserved. When reserved matters are submitted, the Council can then consider this detail, including the requirement for public art. The Inspector concluded that in relation to Albion, the public art obligation was not CIL compliant.</p> <p><b>Transport &amp; Access:</b> We do not consider highways agreements (Section 278 and 38 Agreements) need to be finalised and appended to Section 106 Agreements at the time of granting planning permission. Instead, an obligation requiring the completion of the appropriate highways agreement should be accepted. The SPD should reflect this.</p> <p><b>Waste:</b> The recent Albion Appeal (reference APP/C315/W/16/3163551) concluded that waste bins need to be provided for the Council to carry out its statutory waste collection service and it would be convenient for them all to be provided to a standard pattern. Most developers would consider it a selling point for new homes to be provided with waste bins. However, failing that, the Council has the power to charge for waste bins. Consequently, there is no necessity arising from the development for them to be provided through a planning obligation (para 69). The Inspector therefore concluded that an obligation to pay for the provision of refuse bins did not meet the CIL tests (Para 70). Accordingly, this requirement should be removed from the Draft SPD.</p> <p><b>Calculation of Contributions:</b> The Draft SPD includes appendices which set out the calculation of various contributions. A2D questions the evidence base and viability testing behind these calculations. We reserve the right to comment on these calculations, once we have had sight of the evidence base. To inform draft Heads, a clear understanding of the evidence base behind OCC’s financial contributions should also be provided.</p>	
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<p>S106-A-017</p>	<p>Savills on behalf of Christ Church, Exeter and Merton Colleges and the University of Oxford</p>	<p><b>General Approach:</b> The consortium is supportive of the Council’s aim to provide certainty in setting out specific guidance on the operation of triggers for planning obligations, and recognises the need for a transparent, proportionate and fair approach to deriving contributions. The principle of the Developer Contributions SPD is therefore supported, whether or not CIL forms part of the future arrangements.</p> <p><b>Viability &amp; the Role of Strategic Sites:</b> Currently NPPG requires that, where Councils seek contributions, their combined total impact does not threaten the viability of sites and the scale of development identified in the Development Plan. This point is recognised by the Council in the draft SPD, but is particularly relevant for affordable housing contributions, and especially because, in the case of the sites being proposed to support Oxford’s unmet need, the affordable housing percentage being required is 50%. In combination with the delivery of strategic transport infrastructure, the consortium is concerned to ensure that the mechanism will ensure an equitable approach that is not proportionately reliant on strategic sites, and that recognises the need to enable strategic sites to come forward in a manner that ensures a continuous supply of housing over the Plan period. It is appreciated that this mechanism will also need to avoid setting charges which are overly complex to implement and administer.</p> <p><b>Affordable Housing:</b> As set out in its representations to the Local Plan Partial Review, the consortium is supportive of the vision for meeting Oxford’s unmet need. It is noted that the minimum 50% affordable threshold proposed in the Partial Review, and linked to Sites PR6a and PR6b, derives from evidence of how the City of Oxford’s own specific land supply operates. However, as highlighted in the consortium’s representation to the Partial Review, Cherwell’s own affordable housing policy (BSC3) sets a 35% requirement subject to viability testing. Moreover, Oxford City Council is currently in the process of proposing amendments to its own Affordable Housing policies so that they better reflect current market conditions and housing requirements. The consortium has therefore requested that the policy for affordable</p>	<p><b>Infrastructure Requirements:</b> The SPD is clear that the Council will only seek a planning obligation that meets the 3 tests set out in CIL Regulation 122.</p> <p>The Partial Review of the Cherwell Local Plan, once adopted, will set out the detailed policies and requirements for affordable housing to meet Oxford’s unmet housing need.</p> <p>In addition, detailed development briefs will be prepared for the strategic housing allocations proposed in the Partial Review Plan.</p> <p><b>Transport:</b> The formula has been amended following advice from OCC.</p> <p>The limitations of the pooling restrictions are reflected in the SPD</p>
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		of the proposed development of each site, and appropriate phasing of infrastructure delivery.	
S106-A-018	Historic England	We commented on the consultation draft in January this year, including highlighting that development-specific planning obligations may offer further opportunities for funding improvements to and the mitigation of adverse impacts on the historic environment, such as archaeological investigations, access and interpretation, and the repair and reuse of buildings or other heritage assets. We regret that there is still no sub-section specifically on heritage as there is, for example, nature conservation and biodiversity, the omission of which we previously noted and which could be used to explain how developer contributions can be used for the conservation and enhancement of the historic environment.	A new section covering heritage has been added to the SPD.
S106-A-019	NHS Oxfordshire Clinical Commissioning Group	<p><b>A. Framework</b></p> <p>i. OCCG are very grateful that paragraph 4.91 acknowledges the need for developers to contribute to expanding healthcare facilities. Primary medical care in the Cherwell district is mostly at capacity, so any significant population increase will require additional primary care infrastructure and staffing.</p> <p>ii. OCCG also agree with paragraph 4.92 that we would not normally anticipate an on-site new facility for a population of less than 8,000. The direction of travel in OCCG’s Primary Care Framework 2017 is towards working at scale in larger practices with a list size of 10,000 to 20,000, or in clusters of smaller practices.</p> <p>iii. OCCG anticipates that developers proposing housing developments of more than 10 dwellings will contribute financially or in kind to primary medical care infrastructure.</p> <p>iv. Primary medical care infrastructure needs may include:</p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Land on which to build either a new healthcare facility or an extension to an existing facility. <ul style="list-style-type: none"> <li>o This includes appropriate parking and access.</li> <li>o When deciding land allocation, space may need to be set aside to make room for increased infrastructure to meet growth associated with projected future developments which have not yet reached</li> </ul> </li> </ul>	These comments have been noted. Amendments to the ‘Health and Wellbeing’ section have been made to reflect the OCCG’s advice.

		<p>planning application.</p> <p><input type="checkbox"/> Buildings – either a new facility or an extension to an existing facility. Again, future proofing for anticipated future development may be a factor.</p> <p><input type="checkbox"/> ICT infrastructure to support primary care expansion. This may include:</p> <ul style="list-style-type: none"> <li>o Connectivity to other healthcare providers to enhance the services and capability which patients can access at the local facility</li> <li>o Digitising historic paper medical records to free up space for patient care.</li> </ul> <p><b>B. Contribution formula</b></p> <p>i. OCCG proposes a different approach to calculating contributions from the one set out in paras 4.94 – 4.96.</p> <p>ii. We suggest that contributions are not linked to a calculation of numbers of GPs – primary care is delivered by a wide team of clinicians and the staffing model varies in different areas and in response to innovation. In Oxfordshire, Banbury GP practices in particular have been pioneers in developing key roles for pharmacists, emergency care practitioners, physiotherapists and others within the local primary care practices. The number of patients per GP therefore varies widely, and is subject to ongoing change.</p> <p>iii. It is much more relevant to link developer contributions directly to numbers of additional patients associated with a housing development.</p> <p>iv. OCCG’s adopted policy is to seek contributions on the following formula for residential development. References to s106 funding should also include Community Infrastructure Levy (CIL) contributions.</p> <p>The sum to be requested for health under S106 should be based on a calculation consisting of occupancy x number of units in the development x £360.(details provided) OCCG formally adopted this approach advised by NHS Property Services in July 2017 through its Oxfordshire Primary Care Commissioning Committee.</p> <p>NHS Property Services also advise that if the planning application doesn’t specify the unit sizes in the proposed development, the average occupancy of 2.4 persons is used in the initial health calculation until such</p>	
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		<p>time as the size of the units are confirmed at which point the final costs/health calculation would be confirmed. For example if the proposal was for a 400 dwelling development the initial calculation would be – 2.4 persons x 400 dwelling units x £360 = £345,600.</p> <p>NHS Property Services also provide advice on the indicative square meterage calculations historically used to determine the core GMS space required for a practice. (details provided).</p> <p><b>C. Extra care housing</b></p> <p>i. OCCG will also seek contributions at an enhanced rate from developers of extra care housing, and also care or nursing homes.</p> <p>ii. The residents of these developments require much greater input and support from healthcare services and so careful planning and service development is required to ensure appropriate healthcare will be available.</p> <p>iii. At this stage OCCG anticipates negotiating contributions on a case-by-case basis.</p> <p><b>D. Other relevant developer contributions</b></p> <p>i. Over and above direct contributions to health infrastructure, OCCG will prefer to support developments which offer the following:</p> <ul style="list-style-type: none"> <li>• Improved transport infrastructure (including public transport) to help</li> <li>• patients and staff access healthcare facilities</li> <li>• Residential environments which support healthy lifestyles</li> <li>• Environments, including ICT infrastructure, which support residents in taking responsibility for their own health, for example through telemedicine technology. Examples of these can be seen in Healthy New Town developments.</li> </ul> <p>ii. OCCG may wish to propose other enabling factors relevant to health as appropriate to specific future planning applications</p>	
S106-A-020	David Lock Associates on behalf of Hallam Land	<p><b>Timing of the SPD and Local Plan Part 2</b></p> <p>The SPD will need to be revisited once Community Infrastructure Levy (CIL) charging schedule has progressed and this should be acknowledged</p>	Further clarification has been added to the text to acknowledge that the SPD will need to be reviewed should

	<p>Management Ltd</p>	<p>in the document. The SPD will also need to be revised once the Cherwell Local Plan Part 2 progresses as many of the detailed standards set out in the appendices will be reviewed (for example cemeteries, indoor sports and outdoor sport and open space). In the light of this, it would be prudent to hold back on this SPD until the CIL and Local plan 2 have advanced further and it is aligned to those processes.</p> <p><b>Viability</b> The SPD is not consistent with National Planning Policy Framework (NPPF) regarding viability considerations. Paragraph 3.12 states that the key objective is to alert applicants to the likely level of planning obligations so that they can be “factored in to land transactions”. Even if this occurs, the costs would still fall on either the landowner or developer therefore this does not bypass the need to take viability into account properly. NPPF paragraph 173 states that sites should not be subject to a scale of obligations and policy burdens that their ability to develop is threatened. The scale of obligations needs to ensure: “competitive returns to a willing land owner and willing developer to enable the development to be deliverable”. Paragraphs 3.12-3.16 of the SPD should be revised to be consistent with national policy on viability. It is also unclear if the scale of the obligations in the draft SPD has been tested in viability terms in conjunction with other policy requirements. This would be best done either alongside Local Plan Part 2 or the CIL charging schedule.</p> <p><b>Community safety and policing</b> Paragraphs 4.70 to 4.77 of the draft SPD do not provide adequate evidence for the request for police infrastructure as listed in paragraph 4.72. No evidence has been provided to demonstrate that housing growth itself results in higher crime or that new housing development results in higher crime (given new housing helps to address wider social and economic issues). Neither is there sufficient justification that all the items of infrastructure described are necessary to make developments acceptable in planning terms or directly related to developments. The link between development and items such as staff set up costs, radio capacity, mobile IT and provision of vehicles, is not direct or clear enough</p>	<p>the Council adopt a CIL Charging Schedule (or other alternative) in the future.</p> <p><b>Relationship to CIL:</b> Further clarification has been added to the text of the SPD.</p> <p><b>Infrastructure Requirements:</b> The SPD is clear that the Council will only seek a planning obligation that meets the 3 tests set out in CIL Regulation 122.</p> <p><b>Community Safety:</b> The requirements go beyond scheme design therefore they are appropriate for the SPD.</p> <p><b>Viability</b> will be assessed in accordance with Government advice.</p> <p><b>Population Figures:</b> The SPD can only rely on information presently available. OCC is currently collating the results of an updated survey of new housing. These are due to be published in 2018.</p> <p><b>Open Space Requirements:</b> These reflect the standards in the adopted Local Plan.</p>
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		<p>to meet the CIL Regulations. Instead, greater emphasis should be given to crime reduction measures such as ‘secure by design’ and the intrinsic role of good design in new developments in ensuring community safety. Only where capital projects are directly related to the site and impacts of the development itself should these be sought through planning obligations.</p> <p><b>Open space requirements</b></p> <p>There is a disconnect between the open space standards and CIL Regulations regarding the ‘minimum’ provision and meeting wider deficiencies as set out in the Local Plan Part One. Where more than the minimum open space level is offered on-site in response to local community aspirations and/or to meet wider deficiencies, this has been interpreted through recent planning decisions as not being CIL compliant and disregarded as a material planning consideration. This essentially means the open space standards must be met but cannot be exceeded which is too prescriptive and does not provide sufficient flexibility. This issue reinforces the need to review the standards to introduce a greater level of flexibility to so that schemes responding to local needs can be taken as material considerations within reasonable limits. On a more specific point, the requirement to provide a Neighbourhood Equipped Area of Play (NEAP) on schemes of 100 dwellings or greater is onerous. Field in Trust guidance (‘Guidance on Outdoor Sport and Play: Beyond the 6-acre standard’ Table 2) sets out a benchmark of 500 dwellings for a NEAP.</p> <p><b>Average Household Size and pupil generation assumptions</b></p> <p>The average occupancy rate per dwelling of 2.49, set out in Appendix 1, should be revisited to reflect the most recent household projections (2014 based projections to 2039). The projections show the average household size in Oxfordshire as being 2.4 in 2014 and projected to fall to 2.35 by 2024. Moreover, the average pupil generation per dwelling (appendix 3) should be based on more up to date evidence than the 2008 Oxfordshire Survey of New Housing.</p>	
S106-A-021	William Davis Ltd	Duplicate of S106-A-015	
S106-A-022	Turley on behalf of	Recommend that the SPD includes a review mechanism whereby the	Further clarification has been added

	<p>Hill Residential Ltd</p>	<p>Council commits to reviewing the document should they choose to progress CIL in the future.</p> <p><b>Viability:</b> Para 3.13 - statement is regarded as very general, generating uncertainty in respect of the policies which the Council may seek to obtain despite a proven lack of viability. In line with the NPPF, we request that further definition should be provided in respect of those policies which the Council regards as being in need of protection despite the potential for such policies to push schemes into a position where it is not possible to provide competitive returns to a willing land owner and willing developer. Para 3.15 - In line with PPG provisions, a review of viability should be reserved for large scale, multi-phased schemes, as follows: "...where a scheme requires phased delivery over the medium and longer term, changes in the value of development and changes in costs of delivery may be considered. Forecasts, based on relevant market data, should be agreed between the applicant and local planning authority wherever possible." The proposed overall approach to viability review is inappropriate and we request revised methodology to ensure that only the larger, multi-phase schemes will be subject to review. The proposed method of overage payment calculation is currently vague. During the consultation process there is a need for the provision of appropriate calculation methodology and clarification of the timing of such a review.</p> <p><b>Monitoring &amp; Enforcement:</b> note that the Council has identified that it may charge for the Council to undertake monitoring. As you will be aware the High Court appeal decision in the case of Oxfordshire CC vs Secretary for Communities and Local Government (2015) EWHC 186 (Admin) held that a Planning Inspector had not misinterpreted Regulation 122 of the CIL Regulations 2010 in determining that a local planning authority was not entitled to fees for administering / monitoring planning obligations in a S106 agreement. The High Court ruled on the grounds that there was nothing in the wording of the TCPA 1990, the Planning Act 2008, the CIL Regulations, the NPPF or the NPPG which suggested that authorities should or even could claim administration /</p>	<p>to the text to acknowledge that the SPD will need to be reviewed should the Council adopt a CIL Charging Schedule (or other alternative) in the future.</p> <p><b>Relationship to CIL:</b> Further clarification has been added to the text of the SPD.</p> <p><b>Monitoring Fees:</b> Fees can be sought pursuant to Section 111 of the Local Government Act 1972 and Section 1 of the Localism Act 2011.</p> <p><b>Infrastructure Requirements:</b> The SPD is clear that the Council will only seek a planning obligation that meets the 3 tests set out in CIL Regulation 122.</p> <p><b>Viability</b> will be assessed in accordance with Government advice.</p> <p><b>Cemeteries:</b> Details such as plot densities and costs will vary on a site by site basis therefore it is difficult for the SPD to stipulate such figures.</p> <p><b>Community Hall Facilities:</b> Appendix 11 gives costs for a mid-sized hall. Paragraph 4.57 gives an indication of</p>
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		<p>monitoring fees as part of planning obligations. As such the potential for a request towards monitoring should be removed from the SPD.</p> <p><b>Affordable Housing:</b> The SPD will need to take account of the Local Plan Partial Review upon its adoption, and the requirements set out therein are likely to have important implications in respect of scheme viability. The SPD should therefore reflect that flexibility will need to be allowed for in applying the requirements of the SPD.</p> <p>Para 4.39 - Viability constraints may also impact upon the ability of a scheme to provide policy compliant S106 contributions, and S106 contributions should be referenced as being subject to reduction along with affordable housing. Para 4.22 - If the Council proposes to adopt a standardised approach to residual value assessment, the proposed methodology must be published and made available for consultation.</p> <p><b>Cemeteries:</b> Where onsite provision is to be made as part of allocations, it will be important to ensure that contributions are not also sought on these elements to prevent double counting. The methodology for calculating contributions towards cemeteries is relatively complex and further clarity is required in relation to the factors included within the calculation as follows:</p> <ul style="list-style-type: none"> <li>• Where reference is made to the ‘number of burial plots required to 2031’, clarity should be provided over what geographical scale this relates to. Is this for the wider District, settlement or site? It should be clear how this figure will be calculated, including whether the same approach is to be applied in respect of sites allocated to meet the unmet housing needs of Oxford City and those in relation to the needs of Cherwell itself.</li> <li>• The ‘average number of plots per hectare’ should be defined.</li> <li>• Where reference is made to ‘population growth’ again it should be clear where this figure will be derived from.</li> <li>• An indication of the ‘cost’ should be provided.</li> </ul> <p><b>Community Hall Facilities &amp; Community Development:</b> Paragraph 4.57 confirms that the “thresholds for provision of community facilities on site is normally a population that supports a minimum community facility of 345 sq m [emphasis added]” on the basis that 0.185 sq m is required per</p>	<p>the minimum size of hall that maybe acceptable on site.</p> <p><b>Health &amp; Wellbeing:</b> Revised figures and standards have been added to the SPD following advice from OCCG. Other comments have been noted but it is not considered necessary to amend the SPD.</p> <p>The Partial Review of the Cherwell Local Plan, once adopted, will set out the detailed policies and requirements to meet Oxford’s unmet housing need. In addition, detailed development briefs will be prepared for the strategic housing allocations proposed in the Partial Review Plan.</p> <p>Other comments in relation to infrastructure have been noted. The Council will only require S106 contributions that are CIL compliant.</p> <p>It is not considered necessary to amend the SPD.</p>
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		<p>person. However, Appendix 11 sets a contribution per person based on the costs of providing a community facility of 691 sq m. This cost does not appear to relate to the 345sqm figure set out at paragraph 4.57. Clarity is sought as to the correct calculation. Appendix 12 sets out the level of contributions which will be sought towards funding community development workers. This is set out in terms of funding the number of FTE required over a set period, however no indication of costs is provided. It is understood that contributions will not be sought from developments of less than 100 new dwellings, and will only be sought on a case by case basis. Given the restrictions on pooling of contributions, it will be important that the Council ensures that contributions sought are from the largest of developments and appropriately addresses where separate applications are submitted for individual phases of wider developments. As currently drafted concern is raised as to whether this obligation would meet the relevant tests. Where developments are closely related to, and integrated with existing settlements, such a contribution may not be required and it will be important that the Council provides appropriate justification when this contribution is requested.</p> <p><b>Community Safety &amp; Policing:</b> Whilst Appendix 14 provides approximate costs associated community safety / CCTV, no indication of costs or how contributions towards policing will be calculated, is provided.</p> <p><b>Education:</b> Appendix 15 refers to contributions towards education which may be sought via Section 106 obligations and CIL contributions. Further clarity is required to determine the difference between these two potential contributions to ensure no ‘double dipping’ and to ensure compliance with the Community Infrastructure Levy Regulations 2010 (as amended).</p> <p><b>Health &amp; Wellbeing:</b> Whilst the floorspace per GP is provided, the cost for this floorspace and an indication of the average GP list size is not provided. An indication of costs cannot therefore be deduced.</p> <p><b>Indoor Sport and Recreation and Open Space, Play Facilities, Outdoor Sport and Recreation:</b> The Council should ensure that the SPD is reviewed alongside any additional / changes to policies which</p>	
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		<p>may arise as a consequence of new evidence relating to this requirement.</p> <p><b>Waste:</b> The contributions towards waste are noted. It is also noted that paragraph 4.156 provides design guidance for communal bin stores. We would question whether this SPD is the correct mechanism for advising on this given it is a design matter, not a financial contribution. If this guidance is to remain within the document, it would be prudent to allow flexibility for negotiations where these criteria cannot be met.</p> <p><b>Summary:</b> Are concerned that the document is lacking in detail, failing to provide the calculations for a number of calculations. We also wish to highlight the importance of ensuring due regard is given to ensuring the SPD can be applied to both the allocations to meet the needs of Cherwell District and those to meet the needs of Oxford City. It will be important for the Council to consider the implications of the various contributions it is seeking given the potential implications these will have on scheme viability and the deliverability of the housing requirements.</p>	
S106-A-023	Framptons on behalf of Catesby Estates Plc	<p>It is submitted that the SPD as presently drafted is unacceptable and not in accordance with national planning policy and guidance. The SPD states at paragraph 2.4 that “work has also commenced on the production of the Cherwell Local Plan 2011-2031 (Part 2): Development Management Policies and Sites”. It is the Part 2 Plan which should provide the development plan policy basis for all planning obligations. This SPD is attempting to circumvent proper examination of the policy basis for seeking specific planning obligations, which should take place within the formal context of the development plan making process. Developers, and indeed the public, are prejudiced by the approach presently being taken to seek to provide a justification for Planning Obligations outwith proper scrutiny within a development plan.</p> <p><b>Introduction:</b> A statement should be included within the introduction of the SPD to ensure that the statutory test applies to any S106 at the point of determination of a planning application. It is evident that for some obligations reliance is made upon average ‘household size for</p>	<p>The SPD does not introduce new policy. The adopted Cherwell Local Plan 2011-2031 sets the planning framework up to 2031 with the SPD providing a further level of detail to guide development.</p> <p>Definition of ‘major’ development – This has been clarified in the SPD text.</p> <p><b>Security &amp; Timing of Payments:</b> These requirements are based on legal advice.</p> <p><b>Infrastructure Requirements:</b> The SPD is clear that the Council will only</p>

		<p>Oxfordshire’. Appendix 1 refers to this average household size, albeit Appendix 1 is not referred to in the text of the report. It is submitted that where a planning obligation may be justified, based on average household size, the average household size within Cherwell District should be the appropriate factor.</p> <p><b>Security &amp; Timing of Payments:</b> The SPD refers to ‘additional monitoring and enforcement costs’. This appears unlawful in the context of the Court Ruling Oxfordshire County Council V Secretary of State DCLG and others [2015] EWHC 186. A unilateral Undertaking cannot require the Council to issue an invoice, hence paragraph 3.22 needs amendment.</p> <p><b>Monitoring &amp; Enforcement:</b> Para 3.30 and 3.31 – The substance of this paragraph is at odds with the Court ruling referred to above.</p> <p><b>Apprenticeships and Skills</b> The principle of this obligation is not in accordance with national planning policy. It is not clear how built development to meet development need is unacceptable, unless a provision is made for 2.5 apprenticeships per 50 dwellings.</p> <p><b>Community Hall Facilities:</b> The SPD introduces an accessibility standard of 800m walking distance for facilities. As stated above SPDs should not be used to add unnecessarily to the financial burdens on development and should not be used to set rates or charges which have not been established through development plan policy. Therefore this should not become a proscribed measure of acceptability. Rather reference should be made to ‘having regard to’ the accessibility standard.</p> <p><b>Community Safety and Policy:</b> The SPD makes reference to ‘major residential and commercial developments’ without a definition of ‘major’. At paragraph 4.67 the SPD provides a threshold for Community Development contributions as 100 dwellings, such a definition is required throughout the SPD.</p> <p><b>Education:</b> The SPD has introduced the concept that the developer may be requested to pay a ‘contribution towards the cost of providing transport for children to school’. It is submitted that such a demand is not a reasonable cost to be placed upon a development.</p> <p><b>Health and Wellbeing:</b> This section recognises that ‘primary care</p>	<p>seek a planning obligation that meets the 3 tests set out in CIL Regulation 122. <b>Education and Transport</b> requirements are based on detailed advice from OCC.</p> <p><b>Transport:</b> Planning Applications are required to submit Transport Assessments which set out the impact of development and hence mitigation that may be necessary</p> <p><b>Monitoring Fees:</b> Fees can be sought pursuant to Section 111 of the Local Government Act 1972 and Section 1 of the Localism Act 2011.</p> <p>Other comments have been noted but it is not considered necessary to amend the SPD</p>
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		<p>practices are run as independent businesses’ and suggests a mechanism should be included to recover funds paid to Practices, if the business does not continue for 15 years. As an ‘independent business’ particular care is needed in demanding contributions for increasing the size of existing Practices or building new practices. If new buildings are required to provide primary care then practices should pay a market rent for the accommodation. The SPD should not proscribe a particular agreement of a financial payment to Cherwell District Council</p> <p><b>Open Space, Sport and Recreation:</b> The SPD suggests that the LPA may seek contributions for commercial development as the ‘working population increases’. There is a risk of double counting and there will be a tenuous link between employees and the user of public open space. Insufficient evidence has been provided in the SPD to justify the basis of such an obligations</p> <p><b>Transport and Access:</b> The SPD states that ‘all new developments in the District will be required to provide financial and or in-kind contributions to mitigate the transport mitigation of the development’. This is not in accordance with the Framework at Paragraph 32 and appears to be a ‘tax’ on new development.</p>	
S106-A-024	Oxfordshire County Council	<p>Oxfordshire County Council supports the preparation of a Developer Contributions SPD. Incorporation of our previous comments is appreciated and we welcome the opportunity to comment further. Since the previous consultation, OCC has commenced work on the preparation of a Developer Guide which will provide detailed information concerning the contributions that the County seeks from developers. Public consultation on this document will take place early in the New Year. It is therefore important that Cherwell’s SPD and OCC’s Developer Guide are appropriately interlinked and cross-referenced. Annex 1 (separate attachment) contains suggested track changes and comments on the main document. Annex 2 contains suggested track changes and comments on the SPD appendices.</p> <p>Main points:</p> <ul style="list-style-type: none"> <li>• It is requested that detail on indices used for contributions sought</li> </ul>	<p>The comments from OCC are noted.</p> <p>References to the Developer Guide have been added to the SPD.</p> <p>A paragraph on Strategic Waste Management has been added to the SPD.</p> <p>There is a pressing need to adopt the Developer Contributions SPD. The current Draft Planning Obligations SPD (July 2011) is out of date. Not progressing the new SPD will create</p>

		<p>on behalf of OCC and detail on education infrastructure contribution calculations are left to OCC’s Developer Guide.</p> <ul style="list-style-type: none"> <li>• Suggested wording in relation to strategic waste management contributions (for Household Waste Recycling Centres) has been added to the main document.</li> <li>• The population figures in Appendix 1 derived from OCC’s Survey of New Housing (2008) are soon to be updated. The results of an updated survey of new housing are currently being collated and are due to be published in 2018. Given that the outcome of the Government’s CIL review is also due to be published during 2018, CDC should consider whether to postpone adoption of the SPD so that these revisions can be incorporated. This would also be more in line with the timescales for the publication of OCC’s Developer Guide.</li> </ul>	<p>uncertainty about the Councils’ requirements for developer contributions.</p>
<p>S106-A-025</p>	<p>Canal &amp; River Trust</p>	<p>We own and manage the Oxford Canal and the adjacent towpath which runs the length of the District on a north–south alignment and is a designated conservation area. The waterway pass through both urban and rural locations and is a historic, natural and cultural asset which forms part of the strategic and local green infrastructure network, linking urban and rural communities as well as habitats. Our waterways contribute to the health and well-being of local communities and economies, creating attractive and connected places to live, work, volunteer and spend leisure time. Waterside development by third parties will place extra liabilities and burdens upon the canal infrastructure in relation to on-going management and maintenance costs. For example, the use of canals for drainage and flood alleviation purposes and the on-going maintenance costs for maintaining not only attractive ‘waterway settings’ but sustainable transport routes used by the future occupiers of such development which place an increasingly heavy burden on the Trust.</p> <p>The Trust generally seeks to maintain its assets in a “steady state”, and this is based on current usage. Where new development has the</p>	<p>These comments have been noted.</p> <p>It is considered that the additional references to the canal are not necessary in the context of the paragraphs quoted.</p> <p>The comments relating to specific projects will be reviewed in the context of the Council’s IDP (Infrastructure Delivery Plan).</p>

		<p>likelihood to increase usage we consider that it is reasonable to request a financial contribution from developers to mitigate this impact by, for example upgrading an access / towpath surface to a standard which is more durable and thus able to accommodate increased usage.</p> <p>Within the draft SPD the canal is only specifically mentioned under ‘Public Realm and Public Art’ (Para 4.1.28) and Flood Risk (Para 4.86). However, this does not recognise the unique multi-functional nature of the canal network. To ensure that applicants / developers are fully aware of the multi-functional nature of the canal network and the need to mitigate the impacts of their development additional references to the canal within the draft SPD should be included. In addition to the current references, as outlined above, the canal should be included in Air Quality- para 4.27; Health and Wellbeing- para 4.89; Nature Conservation &amp; biodiversity – para 4.118; Open Space, Play Facilities, Outdoor Sport &amp; Recreation - para 4.122 and Transport &amp; Access – pg36</p> <p>Whilst not an exhaustive list the works that will be required to support proposed developments include; the towpath within the Banbury area, for safe off-road walking and cycling, plus links northwards out to the new Country Park; towpath improvements to create a traffic-free route from the Oxford Parkway station into the centre of Oxford; towpath improvements from Bankside development into the town centre, including a replacement bridge; improving towpaths as part of the pedestrian / cycle networks; towpath upgrades near Lower Heyford and providing ecological mitigation works. Waterside development and regeneration schemes by third parties though are exploiting the waterside settings to maximise development value uplift generated by waterside location, yet these third-party schemes are not always being obliged to contribute to the development, improvement, restoration and maintenance of waterways. It should therefore be recognised that enhancements / improvements to the towpaths are necessary for reasons not just related to Public Realm and Public Art. Improvements may involve more than towpath resurfacing works, the improvement of existing access points may also be required to support</p>	
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		<p>proposed developments and the increased use of the canal network. In addition, widening and improvements to the tow path (and subsequently the canal bank) may be required along with dredging and vegetation management should widening be required to support additional use. To encourage and support additional use of the canal for cyclists additional signage may also be required in pinch points to highlight that pedestrians have priority. Interpretation along the canal, with circular walks etc could also be required to support additional leisure use. Enhancements such as the removal of graffiti and measures to reduce any further instances of vandalism should also be incorporated as these would further enhance the attractiveness of the use of the canal corridor.</p>	
<p>S106-A-026</p>	<p>Boyer Planning on behalf of Redrow Homes and Wates Developments</p>	<p><b>Purpose &amp; Context:</b> We consider that this draft SPD is not sufficiently clear about its context and purpose. We are concerned that the Council is seeking to adopt an SPD on planning obligations without a clear decision on whether and when it will proceed with the process to adopt CIL. It is also not clear if the provisions of the document are intended to apply as an interim measure until CIL is put in place or if this SPD is intended to sit alongside an adopted CIL. This needs to be clarified. It would be logical to frame this SPD as providing a policy basis for S106 agreements specifically in the absence of CIL.</p> <p><b>Pooling Restrictions:</b> The draft SPD does not deal with the question of how essential infrastructure is to be delivered in the absence of CIL and in the context of the pooling restrictions that will limit and control S106 agreements under the CIL Regulations. We consider this issue needs to be specifically and thoroughly addressed to ensure that major development can proceed with the necessary supporting infrastructure. Some of the provisions within the draft SPD appear to directly contravene the pooling restrictions.</p> <p><b>Viability: Para 3.13</b> - The SPD should therefore be clearer in stating that it is only in circumstances where development will be unacceptable in planning terms without a planning obligation that the viability of that obligation is not a determining issue. Even in these circumstances, the</p>	<p><b>Relationship to CIL:</b> Further clarification has been added to the text of the SPD.</p> <p><b>Infrastructure Requirements:</b> The SPD is clear that the Council will only seek a planning obligation that meets the 3 tests set out in CIL Regulation 122.</p> <p><b>Viability</b> will be assessed in accordance with Government advice.</p> <p><b>Pooling Restrictions:</b> The SPD clearly outlines the regulations relating to ‘pooling’ and the limitations that this brings.</p> <p><b>Open Space:</b> The open space standards are set out in the adopted Cherwell Local Plan. The SPD cannot amend these.</p>

		<p>NPPF states (para 176) that “The need for such safeguards should be clearly justified through discussions with the applicant, and the options for keeping such costs to a minimum fully explored, so that development is not inhibited unnecessarily”. We consider the wording of the SPD on this issue should be revised to more accurately reflect the NPPF provisions cited above.</p> <p><b>Affordable Housing:</b> The requirement for affordable housing provision in Bicester at a rate of 30% appears to pass the tests of Section 106 planning obligations and is therefore considered to be reasonable, although it should be clearly stated in the SPD that this is subject to site specific assessment and viability considerations. Paragraph 4.14 of the draft SPD states that “housing sites of at least 400 dwellings will be expected to provide a minimum of 45 self-contained extra care dwellings as part of the overall mix”. The evidence base for this level of provision should however be made clear so that there is a clear justification for such a specific policy requirement.</p> <p><b>Apprenticeships &amp; Skills:</b> Are concerned that the imposition of these requirements is not necessary to make proposed development acceptable in planning terms. It is not clear how, in principle, these requirements would be “directly related to a development” as the tests require, or how they would be defined and assessed to be “fairly and reasonably related in scale and kind to the development”. Whilst Appendix 13 to the draft SPD sets out some background information to this proposed requirement, this concentrates on the level of need for such provision rather than the question of why it should fall upon development proposals to address this need. Appendix 13 sets out thresholds to trigger these requirements and the required level of provision related to numbers of dwellings or commercial floorspace. However, it does not state how these thresholds and quantities are derived or justified and the basis for such provision is therefore inadequate. Therefore, these SPD requirements do not appear to pass the tests of Section 106 planning obligations set out in paragraph 204 of the National Planning Policy Framework and we would suggest they be</p>	<p><b>Community Safety:</b> The requirements go beyond scheme design therefore they are appropriate for the SPD.</p> <p><b>Education:</b> The requirements in the SPD reflect the requirements of OCC, as the Education Authority. The SPD addresses the provision of a new facility to serve multiple developments. No change is required.</p> <p><b>Apprenticeship &amp; Skills:</b> The Council’s requirements have recently been supported at appeal by a Government appointed inspector.</p> <p><b>Community Development:</b> The requirements set out in the SPD are based on the Council’s 2017 Cherwell Community Spaces and Development Study.</p> <p><b>Health &amp; Wellbeing:</b> These standards have been updated following new advice from OCCG.</p> <p>It is considered that the wording in the SPD is compliant with all the relevant Government advice and legislation.</p> <p>Other comments have been noted but</p>
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		<p>deleted from the document.</p> <p><b>Community Hall Facilities:</b> We support the principle of providing community facilities in the context of major development proposals. The draft SPD specifies, at paragraph 4.54, a requirement of 0.185 sq m per person. Whilst this could be a starting point for assessing the requirement, we consider that it must be applied flexibly in the light of the level of demand for a community facility, taking account of the type of facility that is required and its accommodation / floorspace needs.</p> <p><b>Community Development:</b> We note the requirement for developers to fund a community development worker but consider that this does not pass the test of being “necessary to make the development acceptable in planning terms”. Further, if this requirement is to demonstrate that it is “directly related to the development” and “fairly and reasonably related to the development” it will require further justification. The level of this requirement is set out in Appendix 12 to the SPD but this does not provide the necessary justification. If and when this is provided, we consider that the specified level of funding must be flexible and based on any specific needs arising from the development and subject to negotiation.</p> <p><b>Community Safety &amp; Policing:</b> The SPD refers to new residential development contributing towards policing. Whilst, it is necessary and appropriate for development to address the requirements of “secured by design” and, in the case of non-residential development, to CCTV provision, it is not justified to require contributions to the general policing of the community as this cost is met by Government through general taxation. This requirement would not meet the tests set out in paragraph 104 of the NPPF and should be deleted.</p> <p><b>Education:</b> The requirement for major residential developments to contribute towards the provision of education infrastructure, where there is not enough spare capacity in existing appropriate schools to meet the needs generated by the development, appears to pass the tests of Section 106 planning obligations and is therefore considered to be reasonable in principle. Paragraph 4.21 of the draft SPD is helpful in</p>	<p>it is not considered necessary to amend the SPD</p>
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		<p>acknowledging the need to take account of existing school capacity and the number of available places at existing schools in determining the education contributions to be made by developers. However, Appendix 3 that deals with the calculation of education contributions, does not acknowledge that existing school capacity needs to be taken into account, nor define or provide guidance on the means of doing this. Otherwise, the tables provided in Appendix 3 of the draft SPD appear to provide a reasonable basis to calculate contributions but these must be subject to regular review based on the latest demographic information and may need to be varied if the formulae do not fit the characteristics of a particular site. Given that pupil generation per dwelling varies according to the number of bedrooms per dwelling, the extent of contributions for any particular scheme will be dependent upon the housing mix. It is important to recognise that for outline applications, housing mix will usually be indicative. Therefore the wording of a S106 must be sufficiently flexible to allow the sums to be paid to be determined once the precise mix is known and approved as part of Reserved Matters applications. We note that Appendix 3 states that where a development creates all or part of the need for a new school, a different level of contribution reflecting the actual estimated cost for the new school or part thereof will be applied. However, it is unlikely that the capacity of any new school on site will exactly match the need for school places arising from the development. The SPD should acknowledge the need for assessment and negotiation on a site by site basis where a school is to be provided as part of the scheme as these circumstances do not lend themselves to a formulaic approach.</p> <p><b>Health &amp; Wellbeing:</b> the draft SPD provides no guidance to determine how existing capacity is to be assessed and taken into account. It does not provide any guidance on the level of contributions per dwelling to match the specific guidance provided for education provision. The lack of such guidance, ideally in the form of an additional appendix to the SPD, could cause delay and uncertainty in the consideration and determination of major schemes where any care requirement for primary or secondary</p>	
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		<p>health care will have to be determined from consultation with NHS trusts. Therefore, whilst the principle of the requirement to address healthcare needs is accepted, the SPD does not pass the tests of Section 106 planning obligations set out in paragraph 204 of the NPPF as it does not provide the basis to assess how the required contributions would be fairly and reasonably related in scale and kind to the development.</p> <p><b>Indoor Sport &amp; Recreation:</b> The evidence base must be up-to-date and reliance on this existing out of date evidence base does not provide the Council with the basis to meet the relevant tests. Furthermore, neither the draft SPD nor its supporting Appendix set out how existing indoor sport and recreational provision is to be taken into account in the assessment of the required contribution. This is a basic requirement as contributions should only be sought where the need generated by the development cannot be met by existing provision (as acknowledged by paragraph 4.103 of the draft SPD). An up-to-date evidence base should therefore be provided which should be the subject of further consultation prior to setting these requirements.</p> <p><b>Nature Conservation &amp; Biodiversity:</b> It is agreed that the long term management and maintenance of this mitigation will normally be secured by a S106 agreement subject to this requirement being flexibly worded to ensure it passes the tests of Section 106 planning obligations set out in paragraph 204 of the NPPF.</p> <p><b>Open Space, Play Facilities, Outdoor Sport &amp; Recreation:</b> The evidence base for this contribution cannot be considered up-to-date and should not form a basis for the Open Space, Play Facilities, Outdoor Sport and Recreation negotiations. In order to progress this part of the developer contributions SPD, it is therefore clear that an up-to date evidence base is required which will be subject to further consultation to ensure compliance with the relevant tests and robustness at appeal.</p> <p>Para 4.37 - There is no certainty provided as to when or how commercial development could trigger a contribution being sought and how that assessment and judgement would be made. It is also not clear how any such contribution would be calculated or how or who would assess</p>	
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		<p>whether the development ‘is likely to generate demand’. Until such information is provided there is no evidence base to justify requirements related to commercial development and we therefore propose that this reference be deleted until such information can be made available. Appendix 4 provides details on the Standards of Provision sought for outdoor recreation. There is however, no evidence or justification to support any of the figures sought. There is no clarity either within the S106 SPD or within the Policy BSC11 as to exactly how the policy would be applied to larger strategic sites which require significant on-site open space provision (despite paragraph B.165 of the supporting text stating that, ‘Detailed guidance on the implementation of this policy is set out in the Planning Obligations Draft SPD...’ )</p> <p><b>Public Realm &amp; Public Art:</b> As a matter of principle, it is not clear how the provision of public art is needed to make development acceptable in planning terms. Whilst such provision may be desirable, it cannot be considered necessary and, the SPD requirement does not appear to pass the tests of Section 106 planning obligations set out in paragraph 204 of the NPPF.</p> <p><b>Transport &amp; Access:</b> We have commented above on the fact that paragraphs 4.146 and 4.147 contravene pooling restrictions and should therefore be modified or removed from the document. the reference to ‘strategic transport schemes’ is not clear and further clarification should be provided to identify which schemes from the IDP will require contributions from proposed development sites and on what basis. Detailed references are made regarding the IDP. Overall, we consider the IDP needs to be much clearer in defining schemes, specifying the source of funding, the timescale for delivery and how pooling restrictions will be avoided. The reference at paragraph 4.145 to direct infrastructure provision being taken into account within planning obligations is welcomed. It is considered that the current level of detail regarding potential S106 contributions towards transport and access proposals is insufficient.</p>	
S106-A-027	Turley on behalf of	Recommend that the SPD includes a review mechanism whereby the	Further clarification has been added

	<p>Bovis Homes Ltd</p>	<p>Council commits to reviewing the document should they choose to progress CIL in the future.</p> <p><b>Viability:</b> Para 3.13 - statement is regarded as very general, generating uncertainty in respect of the policies which the Council may seek to obtain despite a proven lack of viability. In line with the NPPF, we request that further definition should be provided in respect of those policies which the Council regards as being in need of protection despite the potential for such policies to push schemes into a position where it is not possible to provide competitive returns to a willing land owner and willing developer. Para 3.15 - In line with PPG provisions, a review of viability should be reserved for large scale, multi-phased schemes, as follows: "...where a scheme requires phased delivery over the medium and longer term, changes in the value of development and changes in costs of delivery may be considered. Forecasts, based on relevant market data, should be agreed between the applicant and local planning authority wherever possible." The proposed overall approach to viability review is inappropriate and we request revised methodology to ensure that only the larger, multi-phase schemes will be subject to review. The proposed method of overage payment calculation is currently vague. During the consultation process there is a need for the provision of appropriate calculation methodology and clarification of the timing of such a review.</p> <p><b>Affordable Housing:</b> Bovis previously recommended that 'Starter Homes' be removed from the list of Affordable Housing types on the basis that the necessary secondary legislation was not in place to permit legal delivery. We therefore support where reference to Starter Homes has now been removed from the SPD, however it is still included at paragraph 4.4 of the SPD. This should be removed also.</p> <p>Para 4.39 - Viability constraints may also impact upon the ability of a scheme to provide policy compliant S106 contributions, and S106 contributions should be referenced as being subject to reduction along with affordable housing. Para 4.22 - If the Council proposes to adopt a standardised approach to residual value assessment, the proposed</p>	<p>to the text to acknowledge that the SPD will need to be reviewed should the Council adopt a CIL Charging Schedule (or other alternative) in the future.</p> <p><b>Relationship to CIL:</b> Further clarification has been added to the text of the SPD.</p> <p><b>Infrastructure Requirements:</b> The SPD is clear that the Council will only seek a planning obligation that meets the 3 tests set out in CIL Regulation 122.</p> <p><b>Viability</b> will be assessed in accordance with Government advice.</p> <p><b>Cemeteries:</b> Details such as plot densities and costs will vary on a site by site basis therefore it is difficult for the SPD to stipulate such figures.</p> <p><b>Health &amp; Wellbeing:</b> Revised, more detailed requirements have been added to the SPD.</p> <p><b>Community Hall &amp; Development:</b> The requirements set out in the SPD are based on the Council's 2017 Cherwell Community Spaces and Development Study.</p>
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		<p>methodology must be published and made available for consultation.</p> <p><b>Cemeteries:</b> Where onsite provision is to be made as part of allocations, it will be important to ensure that contributions are not also sought on these elements to prevent double counting. The methodology for calculating contributions towards cemeteries is relatively complex and further clarity is required in relation to the factors included within the calculation as follows:</p> <ul style="list-style-type: none"> <li>• Where reference is made to the ‘number of burial plots required to 2031’, clarity should be provided over what geographical scale this relates to. Is this for the wider District, settlement or site? It should be clear how this figure will be calculated, including whether the same approach is to be applied in respect of sites allocated to meet the unmet housing needs of Oxford City and those in relation to the needs of Cherwell itself.</li> <li>• The ‘average number of plots per hectare’ should be defined.</li> <li>• Where reference is made to ‘population growth’ again it should be clear where this figure will be derived from.</li> <li>• An indication of the ‘cost’ should be provided.</li> </ul> <p><b>Community Hall Facilities &amp; Community Development:</b> Paragraph 4.57 confirms that the “thresholds for provision of community facilities on site is normally a population that supports a minimum community facility of 345 sq m [emphasis added]” on the basis that 0.185 sq m is required per person. However, Appendix 11 sets a contribution per person based on the costs of providing a community facility of 691 sq m. This cost does not appear to relate to the 345sqm figure set out at paragraph 4.57. Clarity is sought as to the correct calculation. Appendix 12 sets out the level of contributions which will be sought towards funding community development workers. The estimated costs for providing community facilities appear to be based on BCIS 2009 and therefore are under estimated. The figures should reflect more up to date estimations. Community facilities provision should be appropriate to meet community needs and of an appropriate scale to be utilised effectively and therefore viably sustained in the long term, rather than provision being based on an area per person calculation.</p>	<p><b>Maintenance Contributions:</b> The processes outlined in the SPD reflect current corporate policy.</p> <p>Other comments have been noted but it is not considered necessary to amend the SPD</p>
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		<p>permanent building at the point of 50% of units being completed. This may not be viable and should be subject to agreement as part of Section 106 discussions.</p>	
<p>S106-A-028</p>	<p>Framptons on behalf of the Donger Family</p>	<p>It is submitted that the SPD as presently drafted is unacceptable and not in accordance with national planning policy and guidance. The SPD states at paragraph 2.4 that “work has also commenced on the production of the Cherwell Local Plan 2011-2031 (Part 2): Development Management Policies and Sites”. It is the Part 2 Plan which should provide the development plan policy basis for all planning obligations. This SPD is attempting to circumvent proper examination of the policy basis for seeking specific planning obligations, which should take place within the formal context of the development plan making process. Developers, and indeed the public, are prejudiced by the approach presently being taken to seek to provide a justification for Planning Obligations outwith proper scrutiny within a development plan.</p> <p><b>Introduction:</b> A statement should be included within the introduction of the SPD to ensure that the statutory test applies to any S106 at the point of determination of a planning application. It is evident that for some obligations reliance is made upon average ‘household size for Oxfordshire’. Appendix 1 refers to this average household size, albeit Appendix 1 is not referred to in the text of the report. It is submitted that where a planning obligation may be justified, based on average household size, the average household size within Cherwell District should be the appropriate factor.</p> <p><b>Security &amp; Timing of Payments:</b> The SPD refers to ‘additional monitoring and enforcement costs’. This appears unlawful in the context of the Court Ruling Oxfordshire County Council V Secretary of State DCLG and others [2015] EWHC 186. A unilateral Undertaking cannot require the Council to issue an invoice, hence paragraph 3.22 needs amendment.</p> <p><b>Monitoring &amp; Enforcement:</b> Para 3.30 and 3.31 – The substance of this paragraph is at odds with the Court ruling referred to above.</p> <p><b>Apprenticeships and Skills</b> The principle of this obligation is not in</p>	<p>The SPD does not introduce new policy. The adopted Cherwell Local Plan 2011-2031 sets the planning framework up to 2031 with the SPD providing a further level of detail to guide development.</p> <p>Definition of ‘major’ development – This has been clarified in the SPD text.</p> <p><b>Security &amp; Timing of Payments:</b> These requirements are based on legal advice.</p> <p><b>Infrastructure Requirements:</b> The SPD is clear that the Council will only seek a planning obligation that meets the 3 tests set out in CIL Regulation 122. <b>Education and Transport</b> requirements are based on detailed advice from OCC.</p> <p><b>Transport:</b> Planning Applications are required to submit Transport Assessments which set out the impact of development and hence mitigation that may be necessary</p> <p><b>Monitoring Fees:</b></p>

		<p>accordance with national planning policy. It is not clear how built development to meet development need is unacceptable, unless a provision is made for 2.5 apprenticeships per 50 dwellings.</p> <p><b>Community Hall Facilities:</b> The SPD introduces an accessibility standard of 800m walking distance for facilities. As stated above SPDs should not be used to add unnecessarily to the financial burdens on development and should not be used to set rates or charges which have not been established through development plan policy. Therefore this should not become a proscribed measure of acceptability. Rather reference should be made to ‘having regard to’ the accessibility standard.</p> <p><b>Community Safety and Policy:</b> The SPD makes reference to ‘major residential and commercial developments’ without a definition of ‘major’. At paragraph 4.67 the SPD provides a threshold for Community Development contributions as 100 dwellings, such a definition is required throughout the SPD.</p> <p><b>Education:</b> The SPD has introduced the concept that the developer may be requested to pay a ‘contribution towards the cost of providing transport for children to school’. It is submitted that such a demand is not a reasonable cost to be placed upon a development.</p> <p><b>Health and Wellbeing:</b> This section recognises that ‘primary care practices are run as independent businesses’ and suggests a mechanism should be included to recover funds paid to Practices, if the business does not continue for 15 years. As an ‘independent business’ particular care is needed in demanding contributions for increasing the size of existing Practices or building new practices. If new buildings are required to provide primary care then practices should pay a market rent for the accommodation. The SPD should not proscribe a particular agreement of a financial payment to Cherwell District Council</p> <p><b>Open Space, Sport and Recreation:</b> The SPD suggests that the LPA may seek contributions for commercial development as the ‘working population increases’. There is a risk of double counting and there will be a tenuous link between employees and the user of public open space. Insufficient evidence has been provided in the SPD to justify the basis of</p>	<p>Fees can be sought pursuant to Section 111 of the Local Government Act 1972 and Section 1 of the Localism Act 2011.</p> <p>Other comments have been noted but it is not considered necessary to amend the SPD.</p>
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		<p>such an obligations</p> <p><b>Transport and Access:</b> The SPD states that ‘all new developments in the District will be required to provide financial and or in-kind contributions to mitigate the transport mitigation of the development’. This is not in accordance with the Framework at Paragraph 32 and appears to be a ‘tax’ on new development.</p>	
S106-A-029	Framptons	<p>It is submitted that the SPD as presently drafted is unacceptable and not in accordance with national planning policy and guidance. The SPD states at paragraph 2.4 that “work has also commenced on the production of the Cherwell Local Plan 2011-2031 (Part 2): Development Management Policies and Sites”. It is the Part 2 Plan which should provide the development plan policy basis for all planning obligations. This SPD is attempting to circumvent proper examination of the policy basis for seeking specific planning obligations, which should take place within the formal context of the development plan making process. Developers, and indeed the public, are prejudiced by the approach presently being taken to seek to provide a justification for Planning Obligations outwith proper scrutiny within a development plan.</p> <p><b>Introduction:</b> A statement should be included within the introduction of the SPD to ensure that the statutory test applies to any S106 at the point of determination of a planning application. It is evident that for some obligations reliance is made upon average ‘household size for Oxfordshire’. Appendix 1 refers to this average household size, albeit Appendix 1 is not referred to in the text of the report. It is submitted that where a planning obligation may be justified, based on average household size, the average household size within Cherwell District should be the appropriate factor.</p> <p><b>Security &amp; Timing of Payments:</b> The SPD refers to ‘additional monitoring and enforcement costs’. This appears unlawful in the context of the Court Ruling Oxfordshire County Council V Secretary of State DCLG and others [2015] EWHC 186. A unilateral Undertaking cannot require the Council to issue an invoice, hence paragraph 3.22 needs amendment.</p> <p><b>Monitoring &amp; Enforcement:</b> Para 3.30 and 3.31 – The substance of this</p>	<p>The SPD does not introduce new policy. The adopted Cherwell Local Plan 2011-2031 sets the planning framework up to 2031 with the SPD providing a further level of detail to guide development.</p> <p>Definition of ‘major’ development – This has been clarified in the SPD text.</p> <p><b>Security &amp; Timing of Payments:</b> These requirements are based on legal advice.</p> <p><b>Infrastructure Requirements:</b> The SPD is clear that the Council will only seek a planning obligation that meets the 3 tests set out in CIL Regulation 122.</p> <p><b>Education and Transport</b> requirements are based on detailed advice from OCC.</p> <p><b>Transport:</b> Planning Applications are required to submit Transport Assessments which set out the impact</p>

	<p>paragraph is at odds with the Court ruling referred to above.</p> <p><b>Apprenticeships and Skills</b> The principle of this obligation is not in accordance with national planning policy. It is not clear how built development to meet development need is unacceptable, unless a provision is made for 2.5 apprenticeships per 50 dwellings.</p> <p><b>Community Hall Facilities:</b> The SPD introduces an accessibility standard of 800m walking distance for facilities. As stated above SPDs should not be used to add unnecessarily to the financial burdens on development and should not be used to set rates or charges which have not been established through development plan policy. Therefore this should not become a proscribed measure of acceptability. Rather reference should be made to 'having regard to' the accessibility standard.</p> <p><b>Community Safety and Policy:</b> The SPD makes reference to 'major residential and commercial developments' without a definition of 'major'. At paragraph 4.67 the SPD provides a threshold for Community Development contributions as 100 dwellings, such a definition is required throughout the SPD.</p> <p><b>Education:</b> The SPD has introduced the concept that the developer may be requested to pay a 'contribution towards the cost of providing transport for children to school'. It is submitted that such a demand is not a reasonable cost to be placed upon a development.</p> <p><b>Health and Wellbeing:</b> This section recognises that 'primary care practices are run as independent businesses' and suggests a mechanism should be included to recover funds paid to Practices, if the business does not continue for 15 years. As an 'independent business' particular care is needed in demanding contributions for increasing the size of existing Practices or building new practices. If new buildings are required to provide primary care then practices should pay a market rent for the accommodation. The SPD should not proscribe a particular agreement of a financial payment to Cherwell District Council</p> <p><b>Open Space, Sport and Recreation:</b> The SPD suggests that the LPA may seek contributions for commercial development as the 'working population increases'. There is a risk of double counting and there will be</p>	<p>of development and hence mitigation that may be necessary</p> <p><b>Monitoring Fees:</b> Fees can be sought pursuant to Section 111 of the Local Government Act 1972 and Section 1 of the Localism Act 2011.</p> <p>Other comments have been noted but it is not considered necessary to amend the SPD</p>
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		<p>a tenuous link between employees and the user of public open space. Insufficient evidence has been provided in the SPD to justify the basis of such an obligations</p> <p><b>Transport and Access:</b> The SPD states that ‘all new developments in the District will be required to provide financial and or in-kind contributions to mitigate the transport mitigation of the development’. This is not in accordance with the Framework at Paragraph 32 and appears to be a ‘tax’ on new development.</p>	
<p>S106-A-030</p>	<p>Pegasus Group on behalf of the Dorchester Group</p>	<p><b>Multiple Paragraphs:</b> The draft SPD contains a number of references to ‘major’ development, however it is not evidently clear as to what constitutes major development for the purposes of the document. Although it is anticipated that ‘major’ will be defined as per The Town and Country Planning (Development Management Procedure) Order 2015, no such reference is currently found within the draft SPD.</p> <p><b>Para 1.15 –Relationship between CIL and Planning Obligations:</b> Reference should be made to the NPPF as a material consideration when determining the viability of proposed obligations. NPPF paragraphs 173 to 177 ‘Ensuring Viability and Deliverability’ should be directly referenced. This would be consistent with the referencing of the NPPF at para 1.17 of the draft SPD and the approach adopted elsewhere in the document.</p> <p><b>Para 2.5 – Policy Framework:</b> Alongside the Infrastructure Development Plan, obligations must be supported by a robust and up to date evidence base, if the statutory tests set out in CIL Regulation 122 are to be met. In addition reference should be made to NPPF Paragraph 177, which sets out a requirement for the Council to demonstrate that there is a reasonable prospect that planned infrastructure can be delivered in a timely fashion within the associated construction and implementation stages of development.</p> <p><b>Para 3.3 -3.4 – Planning Obligations:</b> In bringing forward strategic development sites such as Heyford Park, it is common for applications to be made by a number of different landowners at different times. In ensuring that appropriate strategic infrastructure is provided and achieved in an equitable and timely fashion, the Council should</p>	<p><b>Relationship to CIL:</b> Further clarification has been added to the text of the SPD.</p> <p><b>Infrastructure Requirements:</b> The SPD is clear that the Council will only seek a planning obligation that meets the 3 tests set out in CIL Regulation 122.</p> <p><b>Viability</b> will be assessed in accordance with Government advice.</p> <p>Definition of ‘major’ development – This has been clarified in the SPD text.</p> <p><b>Monitoring Fees:</b> Fees can be sought pursuant to Section 111 of the Local Government Act 1972 and Section 1 of the Localism Act 2011.</p> <p><b>Community Hall &amp; Development:</b> The requirements set out in the SPD are based on the Council’s 2017 Cherwell</p>

	<p>ensure that obligations are secured in a comprehensive and holistic manner from all applicants and landowners.</p> <p><b>Para 3.5 Pre-Application Discussions:</b> If Head of Terms have been agreed as part of comprehensive pre-application discussions, it is expected that no further requests for additional contributions will be made of the applicant during the consideration of a related formal planning application, except in exceptional circumstances.</p> <p><b>Para 3.13 – Viability:</b> In line with NPPF paragraph 173, planning obligations should not be pursued if their achievement would knowingly negate the ability of the development to be brought forward. It is suggested that reference to the use of an ‘overage’ clause should be inserted at this paragraph.</p> <p><b>Para 3.16 – Viability:</b> In the event that an independent review of viability assessments is required by a mutually appointed external consultant, the cost of such review should be met equally by the Council and the applicant.</p> <p><b>Para 3.20 – Security and Timing of Payments:</b> Although the draft SPD sets out a timetable for the developer to provide advance notice of intent to pay financial contributions and request a relevant invoice from the Council, there is no formal timetable within which the Council are obliged to provide such an invoice. In seeking to ensure that the applicant is not penalised for late payments through delays incurred by the Council, flexibility should be incorporated into approach set out in paras 3.17-3.22</p> <p><b>Para 3.23 – Security and Timing of Payments:</b> In providing a transparent audit trail for receipt of financial contributions, formal acknowledgement on the payment of financial obligations should also be provided from the Council to the applicant.</p> <p><b>Para. 3.30 – Monitoring and Enforcement:</b> Contributions towards the costs of monitoring compliance with planning conditions or obligations do not meet the CIL tests set out in Regulation 122. Appeal decisions are quoted to support this view.</p> <p><b>Para 4.9, 4.13, 4.19 – Affordable Housing:</b> The requirement for affordable housing provision at Heyford Park is set out within Policy</p>	<p>Community Spaces and Development Study.</p> <p><b>Affordable Housing:</b> The need for negotiation is highlighted in the SPD.</p> <p><b>Local Management Organisations:</b> This requirement reflects corporate policy.</p> <p>Other comments have been noted, including those relating to waste and public art, but it is not considered necessary to amend the SPD. Many are site specific.</p>
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S106-A-031	Framptons on behalf of Hallam Land Management Ltd	<p>It is submitted that the SPD as presently drafted is unacceptable and not in accordance with national planning policy and guidance. The SPD states at paragraph 2.4 that “work has also commenced on the production of the Cherwell Local Plan 2011-2031 (Part 2): Development Management Policies and Sites”. It is the Part 2 Plan which should provide the development plan policy basis for all planning obligations. This SPD is attempting to circumvent proper examination of the policy basis for seeking specific planning obligations, which should take place within the formal context of the development plan making process. Developers, and indeed the public, are prejudiced by the approach presently being taken to seek to provide a justification for Planning Obligations outwith proper scrutiny within a development plan.</p> <p><b>Introduction:</b> A statement should be included within the introduction of the SPD to ensure that the statutory test applies to any S106 at the point of determination of a planning application. It is evident that for some obligations reliance is made upon average ‘household size for Oxfordshire’. Appendix 1 refers to this average household size, albeit Appendix 1 is not referred to in the text of the report. It is submitted that where a planning obligation may be justified, based on average household size, the average household size within Cherwell District should be the appropriate factor.</p> <p><b>Security &amp; Timing of Payments:</b> The SPD refers to ‘additional monitoring and enforcement costs’. This appears unlawful in the context of the Court Ruling Oxfordshire County Council V Secretary of State DCLG and others [2015] EWHC 186. A unilateral Undertaking cannot require the Council to issue an invoice, hence paragraph 3.22 needs amendment.</p> <p><b>Monitoring &amp; Enforcement:</b> Para 3.30 and 3.31 – The substance of this</p>	<p>The SPD does not introduce new policy. The adopted Cherwell Local Plan 2011-2031 sets the planning framework up to 2031 with the SPD providing a further level of detail to guide development.</p> <p>Definition of ‘major’ development – This has been clarified in the SPD text.</p> <p><b>Security &amp; Timing of Payments:</b> These requirements are based on legal advice.</p> <p><b>Infrastructure Requirements:</b> The SPD is clear that the Council will only seek a planning obligation that meets the 3 tests set out in CIL Regulation 122</p> <p><b>Education and Transport</b> requirements are based on detailed advice from OCC.</p> <p><b>Transport:</b> Planning Applications are required to submit Transport Assessments which set out the impact</p>

	<p>paragraph is at odds with the Court ruling referred to above.</p> <p><b>Apprenticeships and Skills</b> The principle of this obligation is not in accordance with national planning policy. It is not clear how built development to meet development need is unacceptable, unless a provision is made for 2.5 apprenticeships per 50 dwellings.</p> <p><b>Community Hall Facilities:</b> The SPD introduces an accessibility standard of 800m walking distance for facilities. As stated above SPDs should not be used to add unnecessarily to the financial burdens on development and should not be used to set rates or charges which have not been established through development plan policy. Therefore this should not become a proscribed measure of acceptability. Rather reference should be made to 'having regard to' the accessibility standard.</p> <p><b>Community Safety and Policy:</b> The SPD makes reference to 'major residential and commercial developments' without a definition of 'major'. At paragraph 4.67 the SPD provides a threshold for Community Development contributions as 100 dwellings, such a definition is required throughout the SPD.</p> <p><b>Education:</b> The SPD has introduced the concept that the developer may be requested to pay a 'contribution towards the cost of providing transport for children to school'. It is submitted that such a demand is not a reasonable cost to be placed upon a development.</p> <p><b>Health and Wellbeing:</b> This section recognises that 'primary care practices are run as independent businesses' and suggests a mechanism should be included to recover funds paid to Practices, if the business does not continue for 15 years. As an 'independent business' particular care is needed in demanding contributions for increasing the size of existing Practices or building new practices. If new buildings are required to provide primary care then practices should pay a market rent for the accommodation. The SPD should not proscribe a particular agreement of a financial payment to Cherwell District Council</p> <p><b>Open Space, Sport and Recreation:</b> The SPD suggests that the LPA may seek contributions for commercial development as the 'working population increases'. There is a risk of double counting and there will be</p>	<p>of development and hence mitigation that may be necessary</p> <p><b>Monitoring Fees:</b> Fees can be sought pursuant to Section 111 of the Local Government Act 1972 and Section 1 of the Localism Act 2011.</p> <p>Other comments have been noted but it is not considered necessary to amend the SPD</p>
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		<p>a tenuous link between employees and the user of public open space. Insufficient evidence has been provided in the SPD to justify the basis of such an obligations</p> <p><b>Transport and Access:</b> The SPD states that ‘all new developments in the District will be required to provide financial and or in-kind contributions to mitigate the transport mitigation of the development’. This is not in accordance with the Framework at Paragraph 32 and appears to be a ‘tax’ on new development.</p>	
S106-A-032	Framptons on behalf of db symmetry	<p>While a Local Planning Authority may encourage the engagement of apprenticeships during the construction period and during operation of a development, it is considered that causing such provision as a planning obligation fails the statutory tests for a planning obligation. It is difficult to envisage how a built development could be argued to be objectionable from a land use planning consideration, other than in circumstances where a presented amount of apprenticeships are made available. Furthermore, it should be recognised that a developer often has no direct control over the appointment of personnel by a contractor or occupier. The Framework makes clear that investment in business should not be overburdened by the combined requirements of planning policy expectations (Framework 21). This obligation fails to respect national planning policy and is considered to be unlawful.</p>	<p>Paragraph 19 of the NPPF states that the Government’s commitment to ensuring that the planning system does everything it can to support sustainable economic growth.</p> <p>In a recent appeal decision - APP/C3105/W/16/3163551, the inspector concluded that such a requirement was CIL compliant.</p>