



West Oxfordshire District Council
Developer Contributions
Supplementary Planning Document (SPD)
Draft for Consultation

November 2020

Contents

1. Introduction – scope, purpose and status of the draft SPD	3
Part 1 – About developer contributions	5
2. What are developer contributions?	6
3. Policy Context	10
4. The role of the District Council and others	11
Part 2 - The Council's approach to securing developer contributions.....	13
5. Community Infrastructure Levy (CIL)	14
6. Planning Obligations – Section 106 and Section 278 agreements.....	16
7. Viability	17
Part 3- What developer contributions will be sought in West Oxfordshire?	20
8. Affordable and Custom/Self-Build Housing	21
9. Education	25
10. Transport and movement	27
11. Sport, leisure and recreation	33
12. The environment.....	41
13. Community and culture	47
14. Health and social care	53
15. Emergency Services	55
16. Employment, skills and training	58
17. Waste and recycling/waste management	59
18. Utilities	60
Part 4 - Specific Procedural matters	62
19. Legal and Administration Fees.....	63
20. Timing / phasing of payments.....	63
21. Indexation	64
22. Interest on late payments.....	64
23. Monitoring and enforcement	64
24. Dispute resolution.....	65
Appendices	66

1. Introduction – scope, purpose and status of the draft SPD

- 1.1 The purpose of this draft SPD is to set out in a transparent manner, the approach that will be taken by West Oxfordshire District Council in securing new and improved infrastructure to support future growth in the District through the use of planning obligations and the Community Infrastructure Levy (CIL).
- 1.2 Whilst the Council has previously published supplementary guidance on affordable housing (adopted in 2007) it has never previously published an overarching document dealing with ‘developer contributions’ in general. This draft SPD is intended to fill that gap and set out in a clear and concise manner the overall approach which will be taken by the Council.
- 1.3 The draft SPD is aimed at a number of different audiences including landowners and developers, statutory providers, Town and Parish Councils and the local community.
- 1.4 The specific aims and structure of the draft SPD are as follows:
- To explain what developer contributions are; the different forms that exist and how they inter-relate;
 - To set out the process which the District Council will follow in negotiating and administering developer contributions including development viability;
 - To outline what developer contributions will be sought from new development in West Oxfordshire and in what circumstances; and
 - To clarify the Council’s approach in respect of specific procedural matters such as late payments and dispute resolution.
- 1.5 More general aims of the SPD are:
- To provide maximum transparency about the approach to be taken by the Council;
 - To demonstrate to local communities and other stakeholders that the Council is taking a lead role in ensuring that new developments are supported by appropriate investment in supporting infrastructure; and
 - To ensure that the ‘costs’ associated with developer contributions in West Oxfordshire are widely understood and able to be fed into land price negotiations accordingly.
- 1.6 It is anticipated that the draft SPD will be published for two periods of public consultation – an initial consultation in November 2020, followed by a further, final consultation in spring 2021 before being formally adopted by the Council. Once adopted, the SPD will become a material consideration in the determination of any relevant planning applications that come forward.
- 1.7 This draft SPD should be read in conjunction with the [West Oxfordshire Local Plan 2031](#), the [West Oxfordshire Council Plan](#), the [West Oxfordshire Infrastructure Delivery Plan](#) (IDP) which is currently in the process of being updated, as well as Oxfordshire County Council’s draft [Developer Guide to Infrastructure Delivery and Contributions](#) which is also in the process of being updated.

- 1.8 Further information is also set out in the Government's Planning Practice Guidance on [Planning Obligations](#) and the [Community Infrastructure Levy](#) (CIL).

Part 1 – About developer contributions

2. What are developer contributions?

- 2.1 Developer contributions are effectively contributions that are made by a developer to mitigate the impact of a proposed development. They can be made ‘in-kind’ such as a new area of green space provided within a housing scheme, or in the form of a financial contribution e.g. a payment towards increasing the capacity of a local school.
- 2.2 There are two main forms of developer contribution including the Community Infrastructure Levy (CIL) and ‘planning obligations’ which include Section 106 (S106) and Section 278 agreements. In some instances, planning conditions which are attached to a planning permission can also be used.

The Community Infrastructure Levy (CIL)

- 2.3 CIL is a charge which can be levied by local authorities on new development in their area to help fund supporting infrastructure. The levy only applies in areas where the local authority has consulted on, and approved, a charging schedule which sets out its levy rates and has published the schedule on its website.
- 2.4 The charging authority must set out its CIL rate on a pound (£) per m² basis. However, there is no standard rate and the regulations allow charging authorities to set different rates depending on infrastructure needs and the viability of development in that particular location.
- 2.5 The District Council consulted on a draft CIL charging schedule from 10 July – 21 August 2020¹. It is anticipated that the charging schedule will be submitted for examination in October 2020.
- 2.6 The proposed rates for residential developments vary according to size and location as follows:

Zone	1 to 10 dwellings	11+ dwellings	Extra-care housing	Strategic sites
Low	£200	£100	£100	£0
Medium	£250	£125	£100	£0
High	£300	£150	£100	£0

¹ <https://www.westoxon.gov.uk/planning-and-building/community-infrastructure-levy/community-infrastructure-levy-examination/>

- 2.7 It can be seen that the proposed CIL charges for larger residential schemes of 11 or more homes are much lower than smaller schemes of 1 – 10 dwellings. This reflects the fact that larger schemes make a much greater contribution through a planning obligation including for example affordable housing provision, transport improvements and sports and leisure facilities.
- 2.8 Once its charging schedule has been adopted, money received by the Council through CIL will be put into a general infrastructure fund that will be used to fund a variety of new infrastructure projects across the District. CIL can also be used to increase the capacity of existing infrastructure or to repair failing existing infrastructure, provided it is necessary to support development.
- 2.9 Importantly, a proportion of any CIL receipts must also be passed onto the relevant Town or Parish Council. The basic proportion is 15% which increases to 25% where an adopted Neighbourhood Plan is in place.
- 2.10 For further information on CIL, please see the Government's planning practice guidance online at <https://www.gov.uk/guidance/community-infrastructure-levy>

Planning obligations

- 2.11 Planning obligations are legal obligations entered into in order to mitigate the impacts of a development proposal and make it acceptable in planning terms. Most often this will be via a planning agreement under Section 106 of the Town and Country Planning Act 1990 – known as a Section 106 or S106 agreement and will involve both the person with an interest in the land and the Council. It can also be achieved via a unilateral undertaking without the Council's involvement.
- 2.12 A Section 278 agreement which stems from Section 278 of the Highways Act 1982, is another form of planning obligation and is an agreement between the person with an interest in the land and the highway authority (i.e. Oxfordshire County Council) where works are to be carried out on the existing adopted highway such as the construction of a new access, junction improvements and traffic calming measures.
- 2.13 Planning obligations should only be used where it is not possible to address the unacceptable impact of development through a planning condition or by the use of other statutory controls. They are legally binding and enforceable if planning permission is granted and they are tied to the land.
- 2.14 Importantly, planning obligations must meet three specific tests. In particular they must be:
- a) Necessary to make the development acceptable in planning terms;
 - b) Directly related to the development; and
 - c) Fairly and reasonably related in scale and kind to the development.

- 2.15 These tests are set out as statutory tests in CIL regulation 122 and as policy tests in the National Planning Policy Framework (NPPF). They apply whether or not there is a CIL charging schedule for the area.

Planning Conditions

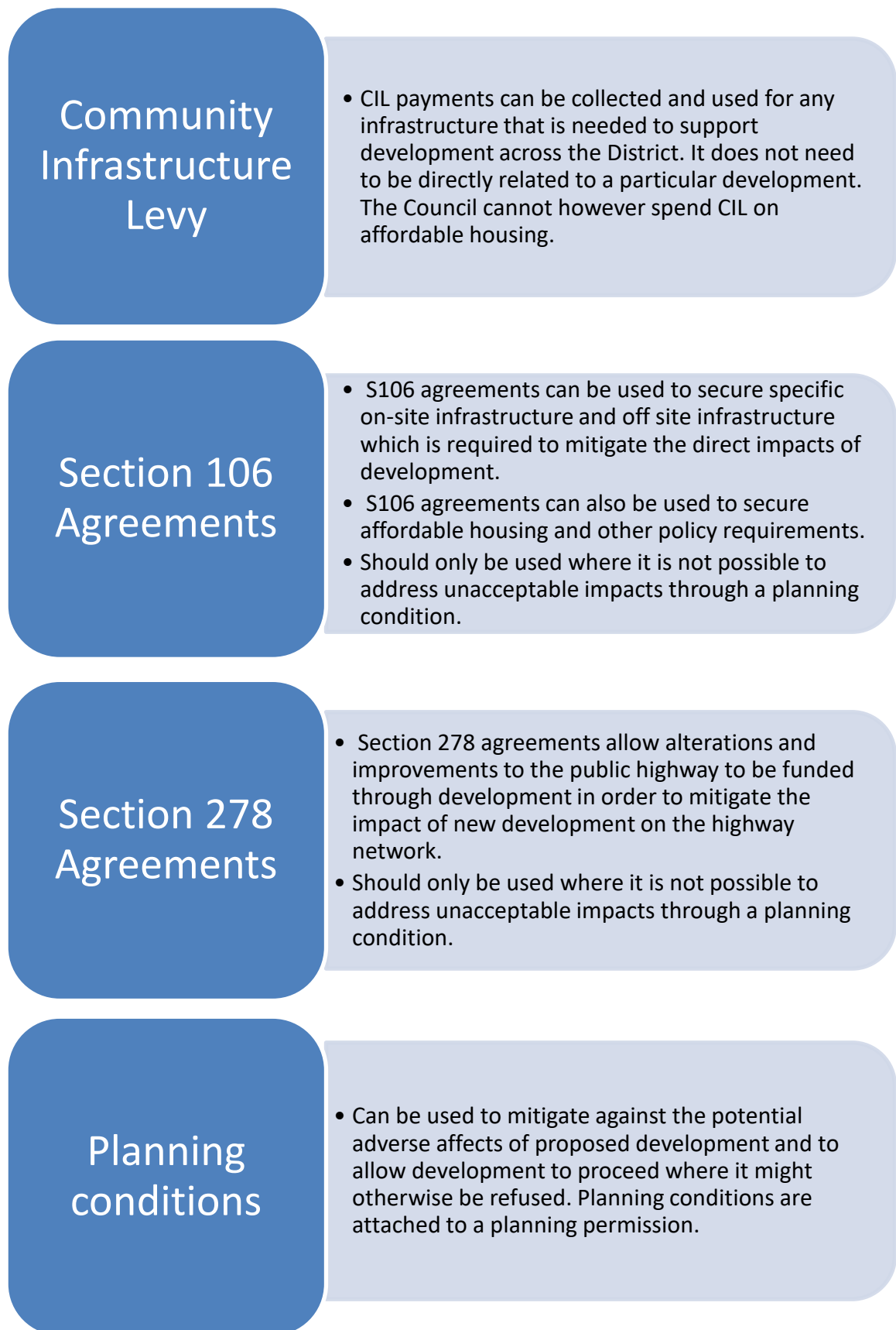
- 2.16 Planning conditions are attached to a planning application and can cover required standards, further details, timeframes and works that must be varied out at prescribed stages. When used properly, conditions can enhance the quality of development and enable development to proceed where it would otherwise have been necessary to refuse planning permission, by mitigating the adverse effects².
- 2.17 As required by the NPPF (paragraph 55), planning conditions should only be attached to a planning permission where they are necessary, relevant to planning and to the development to be permitted, enforceable, precise and reasonable in all other respects.

The relationship between CIL, planning obligations and planning conditions

- 2.18 In essence, CIL, planning obligations and planning conditions are all intended to co-exist as different forms of developer contribution.
- 2.19 CIL is effectively a general financial contribution sought from development towards meeting the broader infrastructure needs of the District, whereas planning obligations and planning conditions are much more site-specific and intended to help mitigate the more local impacts of a particular development.
- 2.20 Importantly, changes made to the CIL regulations in 2019 have brought CIL and planning obligations closer together and it is now possible to use funds from both CIL and section 106 planning obligations to pay for the same piece of infrastructure, thus providing the District and County Councils with much more flexibility on how different contributions are spent.
- 2.21 There is also no longer any restriction on the number of planning obligations that may be ‘pooled’ towards the same item of infrastructure. Previously this was restricted to no more than five obligations.
- 2.22 Figure 1 summarises the relationship between CIL, planning obligations (including Section 106 and Section 278 agreements) and planning conditions.

² MHCLG Practice Guidance – Use of Planning Conditions Paragraph: 001 Reference ID: 21a-001-20140306

Figure 1 - relationship between CIL, planning obligations (including Section 106 and Section 278 agreements) and planning conditions



3. Policy Context

National planning policy

- 3.1 The National Planning Policy Framework (NPPF³) outlines at paragraph 34, the importance of setting out the levels and types of contributions expected from development including affordable housing and other types of infrastructure such as that which is needed for education, health, transport, flood and water management, green and digital infrastructure.
- 3.2 Further advice and context is provided by the Government's Planning Practice Guidance which includes guidance on the [Community Infrastructure Levy](#), [Planning Obligations](#) and the [Use of Planning Conditions](#).

Local planning policy

- 3.3 Development proposals will be considered against relevant policies contained in the adopted [West Oxfordshire Local Plan 2031](#). Of particular relevance is Policy OS5: Supporting Infrastructure which requires new development to deliver or contribute towards the timely provision of essential supporting infrastructure either directly as part of development, or through an appropriate financial contribution.
- 3.4 This is supported by Core Objective 10 of the Local Plan which is to '*ensure that land is not released for new development until the supporting infrastructure and facilities are secured*'.
- 3.5 In support of the Local Plan, the District Council has prepared an Infrastructure Delivery Plan (IDP) setting out what infrastructure is needed to support future growth in the District to 2031. The IDP is currently being updated, with the update intended to feed into the District Council's first Infrastructure Funding Statement (IFS) which must be published by 31 December 2020.
- 3.6 Other documents of relevance to the consideration of future infrastructure requirements and developer contributions in West Oxfordshire include:
- The Eynsham Area Infrastructure Delivery Plan (July 2020) prepared in support of Salt Cross Garden Village Area Action Plan (AAP);
 - Made (adopted) Neighbourhood Plans. These currently include Chipping Norton, Hailey, Shilton, South Leigh and Eynsham Neighbourhood Plans.
 - Adopted supplementary Planning Documents including the West Oxfordshire Design Guide 2016 and the Council's Affordable Housing SPD 2007⁴.
 - Proposed SPDs for the Strategic Development Areas at East Witney, North Witney, West Eynsham and East Chipping Norton.
 - The West Oxfordshire District Council Plan (2020-2024) which sets out the Council's key priorities, areas which require particular focus, and shows how the Council intends to achieve its ambitions for supporting local communities and the delivery of local services.

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https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/810197/NPPF_Feb_2019_revised.pdf

⁴ Note: the Council intends to update the 2007 Affordable Housing SPD during 2020

- Oxfordshire Local Transport Plan (LTP4) which is due to be replaced with the Oxfordshire Local Transport Connectivity Plan (LTCP5) in the summer of 2021.

4. The role of the District Council and others

CIL charging and collection

- 4.1 In respect of CIL, once its charging schedule has been adopted, West Oxfordshire District Council will be both the 'charging authority' and the 'collecting' authority, insofar as it will set the CIL rate, issue requests for payment and then collect the monies owed.
- 4.2 As outlined in Section 2, the District Council is required to pass a proportion of the CIL receipts from a development to the relevant Parish Council (where all or part of a chargeable development falls within the Parish). The basic amount payable is 15% which increases to 25% where an adopted Neighbourhood Plan is in place.
- 4.3 The Parish Council must use the CIL receipts passed to it to fund the provision, improvement, replacement, operation or maintenance of infrastructure; or anything else that is concerned with addressing the demands that development places on the area. Parish Councils must prepare a report for any financial year in which it receives any CIL payments.
- 4.4 From December 2020 onwards, the District Council is required to prepare an 'Infrastructure Funding Statement' setting out what it intends to spend CIL revenue on as well as information on any payments received through CIL and section 106 planning obligations during the previous financial year.

Planning obligations (Section 106 and Section 278 agreements)

- 4.5 S106 Planning Obligations are entered into as legal agreements between local authorities, landowners, developers and potentially other affected third parties. The role of the District Council is to assess each planning application and determine if a planning obligation is required in liaison with other public bodies responsible for infrastructure provision including the County Council. If a Section 106 agreement is justified in line with the relevant legal tests, the Councils will need to consider what specific matters this should address to mitigate the negative impacts.
- 4.6 If a planning application site falls partly in another local planning authority area, the District Council will work with the adjoining Council to co-ordinate proportionate planning obligation requirements. If agreement cannot be reached, the District Council will seek obligations for the portion of the site that falls solely within West Oxfordshire.
- 4.7 Where a development requires works to be carried out on the existing adopted highway, a Section 278 agreement will be required between the developer and the highway authority i.e. Oxfordshire County Council. A landowner will normally be required to enter into a S106 planning obligation imposing a restriction on development so that a Section 278 Agreement is entered into by a specified trigger point as well as completed by a specified trigger point. Further advice regarding the process can be provided by Oxfordshire County Council.

Planning Conditions

- 4.8 Planning conditions are attached to all planning permissions issued by the District Council and these set out details or required standards, timeframes, and works which must be carried out at prescribed stages in the development process. They may also require further details to be submitted in order to make a proposal acceptable, such as details of proposed materials.

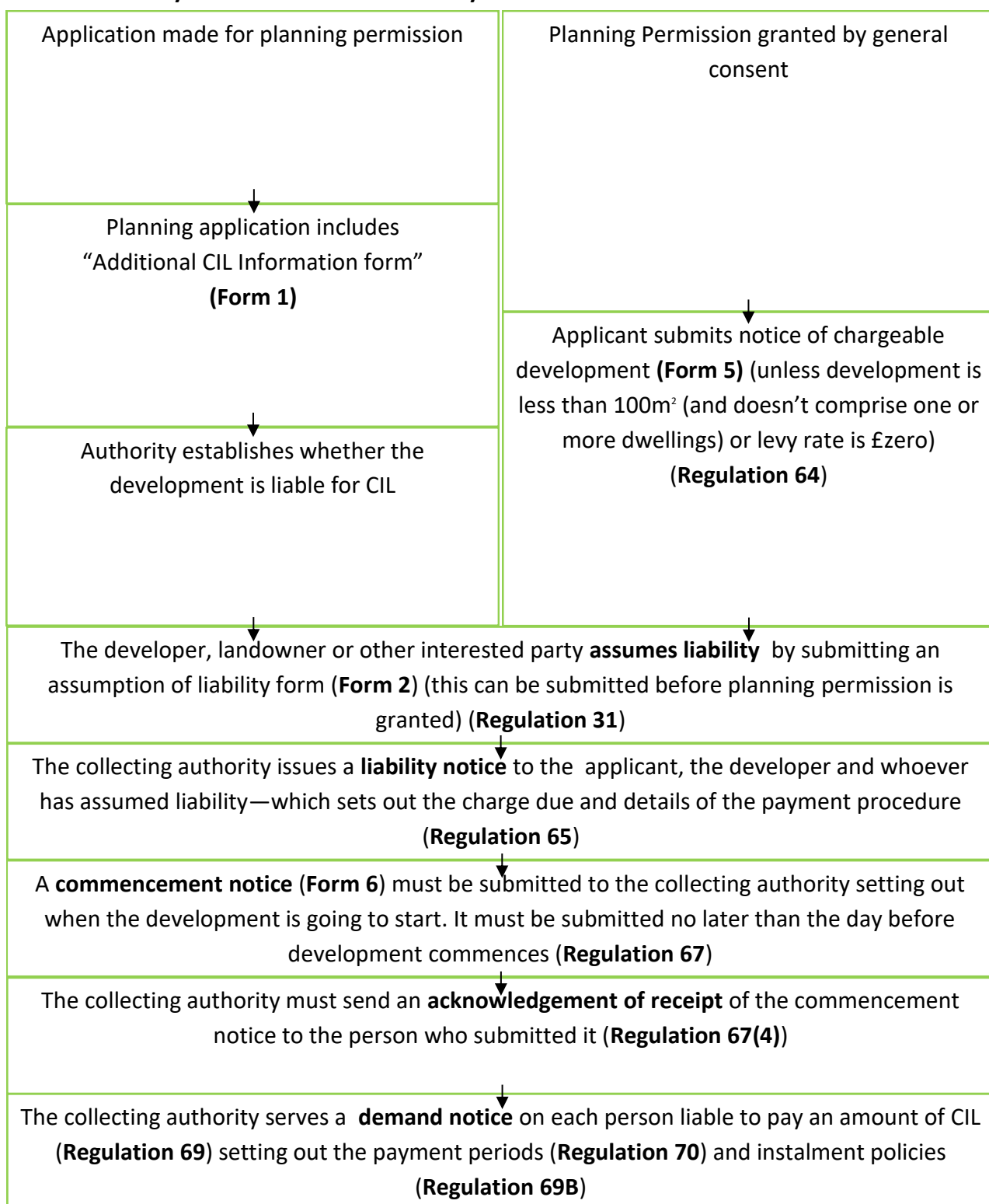
Part 2 - The Council's approach to securing developer contributions

5. Community Infrastructure Levy (CIL)

- 5.1 It is important to note that once CIL rates have been set, it is generally non-negotiable although local authorities can choose to offer discretionary relief in some instances. As currently worded, the Council's draft CIL charging schedule states that whilst the Council will offer mandatory relief from CIL, it does not currently intend to offer any form of discretionary relief although this position will be kept under review.
- 5.2 Figure 2 summarises a typical CIL charging/collection process once a CIL charging schedule has been adopted. The first step in the process is for the applicant to complete the relevant CIL form which should be submitted alongside the planning application. This form includes details of new floorspace to be created by the development, and any floorspace to be demolished, which can be offset against the new floorspace calculation. The second step requires the applicant to inform the Council who is liable to pay CIL if the application is approved. Once liability has been assumed, the Council will issue a Liability Notice to all relevant parties as well as the landowner.
- 5.3 Before commencement of development, the regulations require the submission of a Commencement Notice by the liable party. Once this Commencement Notice has been received, the Council will issue a Demand Notice. This notice will detail who is liable, for how much, any reliefs or surcharges, and will also specify the dates on which the payments are due.
- 5.4 In summary, the District Council receives the planning application, calculates the amount of CIL payable and issues a CIL liability notice setting out the amount due and details of the payment procedure.

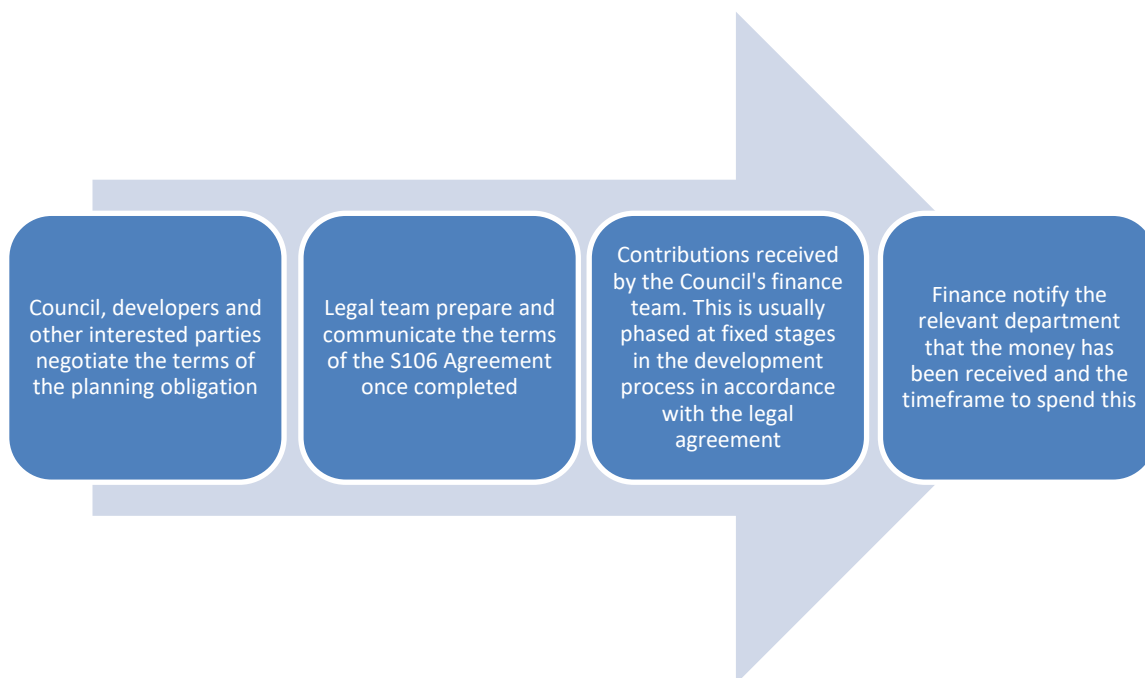
Figure 2 – CIL Collection Process

Community Infrastructure Levy—Collection Process



6. Planning Obligations – Section 106 and Section 278 agreements

- 6.1 Unlike CIL, planning obligations in the form of Section 106 and Section 278 agreements are negotiable and are generally identified in a collaborative and iterative manner between a developer and the District and County Council. If agreement cannot be reached, developers will in some cases put forward their own unilateral agreement.
- 6.2 The general process for S106 agreements is outlined in the flow chart below.



- 6.3 At the early, pre-application stage, the District Council (with input from the County Council as appropriate) will work with the prospective applicant to agree the broad terms of any S106 agreement – generally referred to as the S106 ‘Heads of Terms’.
- 6.4 Negotiations should be undertaken at the pre-application stage, particularly for larger, more complex schemes and ideally, the S106 Heads of Terms should be agreed before the submission of a planning application to avoid delays later in the process.
- 6.5 In addition, a Planning Performance Agreement (PPA) may also be appropriate for larger schemes. This allows issues to be discussed which will need to be addressed through the course of determining an application and also to consider the likely timescales and resources that are likely to be necessary.
- 6.6 Once a planning application has been submitted, alongside assessing the planning merits of the scheme, the District Council (with input from the County Council and other relevant parties) will, in discussion with the applicant, seek to firm up on the specific obligations to be secured by way of a Section 106 legal agreement.

- 6.7 The general process for S278 agreements is similar to that for a Section 106 agreement although led by the County Council. Such agreements normally cover details of the works including an agreed design, details of how this will be managed, a programme of works and costs.
- 6.8 The works can be carried out by the developer to the satisfaction of the highways authority or by the highways authority. Section 278 Agreements may be entered into alongside Section 38 Agreements which secure adoption of new roads and other associated infrastructure such as drains and lighting by the highways authority.

Unilateral undertakings

- 6.9 The Council will encourage applicants to enter into a unilateral undertaking where a planning obligation is only dealing with financial contributions to reduce legal costs and the additional time taken to prepare legal agreements. Contributions secured through a unilateral undertaking will need to be made on the granting of planning permission and/or at different stages of development, as specified within the agreement.
- 6.10 It is normal procedure for the Council to provide a standard form for a unilateral undertaking which can be modified by agreement during the planning application process.

7. Viability

- 7.1 Developer contributions are an additional 'cost' to a developer alongside other costs such as the land purchase cost, construction costs, interest, professional fees etc. It is important that such costs do not render development unviable as that could affect the rate of housing delivery and other forms of development, thereby having negative consequences.
- 7.2 National policy on viability is very clear. The NPPF at paragraph 57 states that:

'Where up-to-date policies have set out the contributions expected from development, planning applications that comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage. The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and the viability evidence underpinning it is up to date, and any change in site circumstances since the plan was brought into force. All viability assessments, including any undertaken at the plan-making stage, should reflect the recommended approach in national planning guidance, including standardised inputs, and should be made publicly available'.

7.3 In support of the NPPF, the Government's practice guidance on viability states that:

'Plans should set out the contributions expected from development. This should include setting out the levels and types of affordable housing provision required, along with other infrastructure (such as that needed for education, health, transport, flood and water management, green and digital infrastructure).'

'The role for viability assessment is primarily at the plan making stage. Viability assessment should not compromise sustainable development but should be used to ensure that policies are realistic, and that the total cumulative cost of all relevant policies will not undermine deliverability of the plan'.

'Where up-to-date policies have set out the contributions expected from development, planning applications that fully comply with them should be assumed to be viable. It is up to the applicant to demonstrate whether particular circumstances justify the need for a viability assessment at the application stage'.

'Such circumstances could include, for example where development is proposed on unallocated sites of a wholly different type to those used in viability assessment that informed the plan; where further information on infrastructure or site costs is required; where particular types of development are proposed which may significantly vary from standard models of development for sale (for example build to rent or housing for older people); or where a recession or similar significant economic changes have occurred since the plan was brought into force'.

'Where a viability assessment is submitted to accompany a planning application this should be based upon and refer back to the viability assessment that informed the plan; and the applicant should provide evidence of what has changed since then'.

'The weight to be given to a viability assessment is a matter for the decision maker, having regard to all the circumstances in the case, including whether the plan and viability evidence underpinning the plan is up to date, and site circumstances including any changes since the plan was brought into force, and the transparency of assumptions behind evidence submitted as part of the viability assessment'.

'Any viability assessment should reflect the government's recommended approach to defining key inputs as set out in National Planning Guidance'.

7.4 Given that the West Oxfordshire Local Plan was adopted recently (September 2018), in line with the Government's practice guidance, the Council's starting point is that planning applications will be assumed to be viable and it will be for individual applicants to demonstrate that there are particular circumstances to warrant a bespoke viability assessment in support of a particular application.

- 7.5 Where a bespoke viability assessments is submitted in support of a particular application, it should be transparent in terms of the information provided and should be based upon and refer back to the viability assessment that informed the West Oxfordshire Local Plan 2031. It must also reflect the Government's recommended approach on viability as set out in National Planning Guidance.
- 7.6 One of the key objectives of the Local Plan and this guidance on developer contributions is to inform applicants of the likely level of planning obligations that can be expected from proposed developments in advance of any planning application being submitted. This allows the applicant(s) to factor in these policy requirements at the earliest stage possible and reflect them in the price paid for land (known as the benchmark land value) in accordance with the Government's planning practice guidance on viability.
- 7.7 Where an applicant is able to robustly demonstrate to the satisfaction of the Council that the requirements of a planning obligation would cause a development to be unviable, the Council will consider whether there is a legitimate and demonstrable need to be flexible in seeking such obligations.
- 7.8 Where there are significant financial issues arising from other public bodies responsible for providing infrastructure (such as Oxfordshire County Council), the District Council will expect that body to be actively involved in this assessment process. The District Council will require sufficient evidence to be provided by the applicant to allow this assessment to be completed prior to the granting of any planning permission. In some instances, the Council will need seek to obtain independent professional advice, the cost of which will be expected to be borne by the applicant.
- 7.9 It should be noted however that the NPPF is clear that where safeguards are necessary to make a particular development acceptable in planning terms and where these safeguards cannot be secured, planning permission should not be granted for unacceptable development. Therefore, in some cases where it can be demonstrated that it is not viable to secure safeguards, then it may not be appropriate to approve the application.

Part 3- What developer contributions will be sought in West Oxfordshire?

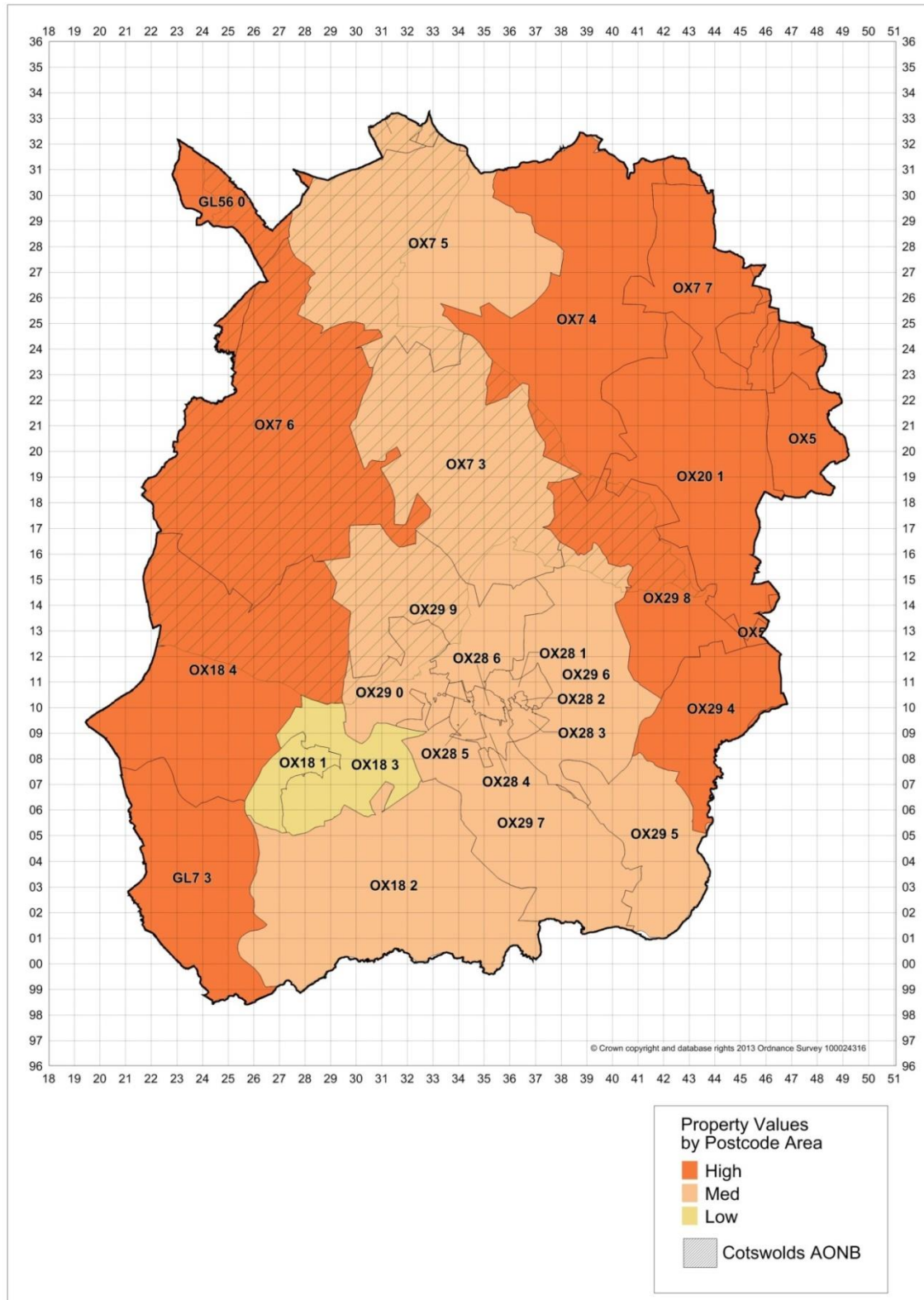
8. Affordable and Custom/Self-Build Housing

- 8.1 Section 5 of the NPPF highlights the importance of providing for the needs of groups with specific housing requirements including, but not limited to, those who require affordable housing and those wishing to commission or build their own homes.
- 8.2 Policies H3 and H5 of the West Oxfordshire Local Plan 2031 relate to affordable housing and custom / self-build housing respectively. The requirements of the policies are outlined below together with an explanation of what mechanisms will be used to secure appropriate developer contributions. Further information is set out in the District Council's separate [draft affordable housing SPD](#).

Affordable Housing

- 8.3 The West Oxfordshire Local Plan 2031 recognises that housing affordability is a key issue in the District. As of February 2020, there were 2,042 households on the Council's waiting list for affordable housing in the form of rental properties. Increasing the number, type and distribution of affordable housing for rent and subsidised sale is therefore a key priority of the Council.
- 8.4 Policy H3 of the Local Plan 2031 aims to secure new affordable homes in a number of ways. Within the Cotswolds Area of Outstanding Natural Beauty (AONB) market housing schemes of 6-10 units and which have a maximum combined gross floorspace of no more than 1,000 sq.m are required to make a financial contribution towards the provision of affordable housing 'off-site'.
- 8.5 The amount payable is £100 per sq.m based on the Gross Internal Area (GIA) of the market homes proposed. For example if the GIA is 100 sq.m the amount payable would be £10,000 (£100 x 100 sq.m). Payment is deferred until completion of the scheme.
- 8.6 In respect of larger market housing schemes of 11 or more units or which have a maximum combined gross floorspace of more than 1,000 sq.m, a proportion of new affordable homes will be sought 'on-site' according to location as follows:
- High value zone 50%
 - Medium value zone 40%
 - Lower value zone 35%

Figure 3 – West Oxfordshire Local Plan 2031 ‘Value Zones’



- 8.7 For extra-care housing a reduced requirement for on-site affordable housing will apply according to location (45%, 35% and 10% in the high, medium and lower value zones respectively).
- 8.8 Policy H3 also allows for new affordable homes to be provided through Rural Exception Sites (RES) which are typically 100% affordable housing schemes in rural areas. In some instances, an element of market housing may be permitted if it is necessary to delivery (e.g. by subsidising the affordable element).
- 8.9 The size and type of affordable homes provided will be a matter for negotiation between the applicant and the District Council guided by the general provisions set out in the Local Plan and local evidence of housing need.

Affordable Housing: Summary - type of developer contribution to be sought:

Within the Cotswolds AONB, a financial contribution towards affordable housing provision will be sought from market housing schemes of 6-10 units and which have a maximum combined gross floorspace of no more than 1,000 sq.m.

The current amount payable is £100 per sq.m based on the Gross Internal Area (GIA) of the market homes proposed. This figure will however be kept under review.

In respect of larger market housing schemes of 11 or more units or which have a maximum combined gross floorspace of more than 1,000 sq.m, a proportion of new affordable homes will be sought 'on-site' as follows:

- High value zone – 50%
- Medium value zone – 40%
- Lower value zone – 35%

The following levels of affordable housing provision will be applied in relation to sheltered housing and extra-care housing:

Sheltered Housing

- High value zone – 50%
- Medium value zone – 40%
- Lower value zone – 35%

Extra-care housing

- High value zone – 45%
- Medium value zone – 35%
- Lower value zone – 10%

All affordable housing (whether through on-site delivery or a financial contribution, or a combination of both) will be secured through a Section 106 legal agreement.

Custom/self-build housing

- 8.10 Custom/ self-build housing can take the form of a 'custom built' home where a builder is contracted by a home owner or where a private individual builds their home as a 'self-build' project.
- 8.11 The District Council holds and maintains a Register of Interest for those wishing to either self-build or custom build in order to gauge local demand. There are a number of ways in which demand for custom custom/ self-building will be met.
- 8.12 In respect of larger housing schemes of 100 or more dwellings, 5% of the residential plots should be serviced and made available for the purpose of custom and self-build housing in accordance with Policy H5 of the Local Plan. This will be secured by way of a Section 106 legal agreement. Policy H5 also offers in principle support for custom and self-build housing in suitable, sustainable locations. Where smaller residential schemes are specifically promoted as being provided for the purposes of self / custom-build housing, a Section 106 legal agreement or planning condition will be used to secure such provision as appropriate.
- 8.13 The District Council will assist in helping to identify suitable and deliverable sites including through the development of Neighbourhood Plans and encouraging the re-use of existing buildings through custom and self-build projects (in accordance with Policies OS2, H2 and E3 of the Local Plan).

Custom/Self-Build Housing: Summary - type of developer contribution to be sought:

Larger residential housing schemes of 100 or more homes will be required to include 5% of the residential plots to be serviced and made available for the purposes of self and custom build housing.

This will be secured by way of a Section 106 legal agreement.

Where smaller residential schemes are specifically promoted as being provided for the purposes of self / custom-build housing, a Section 106 legal agreement or planning condition will be used to secure such provision as appropriate.

9. Education

Policy context

- 9.1 The NPPF (Para 94) stresses the importance of providing sufficient choice of school places to meet the needs of existing and new communities. Policy OS5 (Supporting Infrastructure) of the West Oxfordshire Local Plan 2031 requires development to contribute to the timely provision of essential supporting infrastructure including education.
- 9.2 Oxfordshire County Council (OCC) has a statutory responsibility to ensure there are sufficient school and childcare places in its administrative area. This includes early years (0-4), primary, secondary, further education and special needs education.

Early years

- 9.3 Early Years and Childcare provision includes nurseries, childminders, playgroups or pre-schools. The Government has a policy to provide 15 hours per week free childcare for eligible 2-year olds and 30 hours for all 3/4-year olds. OCC as the Local Educational Authority has a duty to ensure there is sufficient provision available to meet eligible families' needs and to work with providers in creating the places.
- 9.4 A shortage of early education places, especially for 2-year-olds, had been identified in the Council's Infrastructure Delivery Plan (2016). Pressure on places is growing in Witney, Eynsham and Carterton and the strategic development areas within the adopted Local Plan will increase demand further.
- 9.5 Where there is insufficient capacity to meet the needs of a new development, this should be increased by expanding existing facilities or through the creation of new facilities. New opportunities to provide early years or childcare places, either through private, voluntary or independent nurseries, will be sought within new strategic developments.

Primary and Secondary School

- 9.6 It is Oxfordshire County Council's (OCC) responsibility as the Education Authority to assess the requirements for school provision as a consequence of development. The need for educational infrastructure will be calculated by the County Council and will be informed by projected capacity figures.
- 9.7 The need for new education provision arises from both market and affordable housing. When assessing a development impact, some types of accommodation including one-bed dwellings, sheltered/ elderly persons housing, student accommodation and other specialist housing which is not occupied by children are expected to generate zero pupil place demands and are therefore discounted.

- 9.8 OCC produces a Pupil Place Plan annually (see [Oxfordshire Pupil Place Plan 2019 – 2023](#)) which sets out how they expect school provision to change in the future and how they propose to meet their statutory duties.
- 9.9 OCC is required to determine and plan, in consultation with schools, how sufficient capacity will be provided, and to secure appropriate funding where appropriate. These needs could be met through financial contributions and/or the provision of land and buildings to enable new schools to be constructed or for existing schools to be extended. Temporary school accommodation will not normally be calculated in assessing this need.
- 9.10 The need or otherwise for a contribution is then established by assessing the number of pupils generated by the development, taking into account factors such as other housing developments with planning permission and the capacity of the catchment schools etc.
- 9.11 The County Council have produced a [Developer Guide to Infrastructure Delivery](#) (currently in draft form) and this outlines the approach for determining appropriate contributions for education provision. The County Council is also preparing a range of supporting guidance documents relating to the provision of educational premises including design criteria for primary and secondary schools, site requirements, parking and cycle storage etc.
- 9.12 In general terms, for very large residential schemes (where more than 400 additional pupils would arise) it may be necessary to provide a new school or schools on-site as part of the development. For smaller residential schemes of 10 or more new homes, the County Council will seek an appropriate financial contribution towards increasing the capacity of an existing school or schools.
- 9.13 In both instances, this will be secured through a Section 106 legal agreement. Developers should contact the County Council's education department at the earliest stage possible in the planning process to determine whether there would be a requirement for additional education provision and ideally this should be agreed no later than the master planning stage.
- 9.14 For new schools, any S106 contribution will be considered on a case by case basis and the cost of each project to provide additional capacity may differ. The contributions sought are based on a common base for the construction of a new school or extension.
- 9.15 For the expansion of existing schools, the level of contribution will be calculated based on the anticipated pupil generation from the development set against standard £/per pupil rates, or where feasibility work studies have been carried out estimated cost of the expansion.
- 9.16 For further information please see OCC's draft [Developer Guide to Infrastructure Delivery and Contributions](#).

Special educational needs

- 9.17 The County Council as an education authority has a duty to promote high standards of education and fair access to education. It also has a general statutory duty to secure sufficient schools in their area, and to consider the need to secure provision for children with special educational needs and disabilities (SEND).
- 9.18 The need for SEND places within new mainstream schools will be assessed by the County Council in each case, depending on the existing local availability of places.

Education: Summary - type of developer contribution to be sought:

For larger residential schemes of more than 10 homes, where necessary, directly, fairly and reasonably related in scale and kind to the development, the provision of educational facilities and associated infrastructure, including the provision of land (as appropriate) and extensions to existing facilities, will be secured through a Section 106 legal agreement.

Any such contribution will be considered on a case by case basis and will be calculated and agreed in accordance with the procedures and requirements of Oxfordshire County Council as the local education authority.

The District Council will potentially consider using a proportion of its CIL receipts to support the provision of education improvements across the District including where a shortfall of funding secured through planning obligations and/or other sources of funding may exist.

10. Transport and movement

Policy context

- 10.1 Section 9 of the NPPF describes how transport issues should be considered from the earliest stages of plan-making to ensure the potential impacts of development on transport networks can be addressed.
- 10.2 The County Council is responsible for producing the Oxfordshire Local Transport Plan 4 2015-2031 (known as '[Connecting Oxfordshire](#)') which provides the strategic framework for transport in the County. OCC is in the process of developing a new Local Transport and Connectivity Plan, which will replace the current LTP4. Further consultation on this is planned in 2021.
- 10.3 The West Oxfordshire Local Plan 2031 recognises the importance of locating new development in areas with convenient access to a good range of services and facilities to reduce the need to travel by car (Policy T1). It also requires all new development to be

located and designed to maximise opportunities for walking, cycling and the use of public transport (Policy T3). Where development will increase demand on the highway network, contributions will be sought from new development towards new and /or enhanced highway infrastructure to mitigate the impacts (Policy T2).

- 10.4 The implementation of the policies listed above assist in meeting the Council Plan 2020 objectives of tackling climate change, creating healthy towns and villages and creating strong communities.

Highways and access

- 10.5 Oxfordshire County Council (OCC) is the Local highway Authority (LHA). They are responsible for all aspects of the management and maintenance of the adopted highway network within the County, including traffic management and road safety. The District Council will work in partnership with the County Council to help identify and deliver highway improvements to mitigate and support growth in the District.
- 10.6 Transport is a key issue for the District with a general reliance on private vehicles and this creates congestion which in turn contributes to poor air quality and climate change. However, as a largely rural district with a high percentage of car use, the highway network plays an important economic role and improvements to the highway network will be needed alongside other initiatives to support growth.
- 10.7 Oxfordshire County Council have published a number of corridor strategies within LTP4, including the A40 Route Strategy. This strategy consists of long-term plans for the A40, including increased road capacity combined with improved public transport services, the provision of a Park & Ride to the north of the A40 and the provision of cycleways along the length of the route.
- 10.8 In addition, a number of strategic highway improvements have been identified in the West Oxfordshire Local Plan 2031, most of which are linked to the strategic development areas including Shores Green Slips Roads, the West End Link and the Northern Distributor Road in Witney, upgrades to the B4477 Brize Norton Road, A40 West Facing Slip Roads near Minster Lovell, an eastern link road as part of the East Chipping Norton SDA and a western spine road as part of the West Eynsham SDA.
- 10.9 Where appropriate, new developments will be required to provide on and off-site highways improvements to mitigate the transport impacts of the development. Where there is likely to be a transport impact, the LPA will require the submission of a Transport Assessment. This should assess the likely upgrades required to support the development and to allow the level of contributions to be better understood. The contributions sought will be negotiated with OCC as the Highway Authority on a case-by-case basis and detailed technical pre-application discussions with OCC on the transport assessment are strongly advised.
- 10.10 Direct infrastructure provision required to mitigate development will be included in a planning obligation. Physical alterations to the highway network required to mitigate the

effects of a development will be managed through a highways agreement with the Highway Authority (known as a S278 Agreement). Examples of such works could be the construction of a new access, junction improvements or safety related works such as traffic calming or improved facilities for pedestrians and cyclists.

- 10.11 In addition to local transport mitigation which is directly related to the development, financial contributions towards strategic transport schemes will be required through a planning obligation for major and strategic scale development due to the impact of cumulative growth. The District Council will also consider using a proportion of its CIL receipts in respect of relevant strategic transport improvements across the District.
- 10.12 Further information on potential highway and access improvements can be found in OCC's draft [Developer Guide to Infrastructure Delivery and Contributions](#).

Highways and Access: Summary - type of developer contribution to be sought:

For larger residential schemes of more than 10 homes, where necessary, directly, fairly and reasonably related in scale and kind to the development, the provision of highway and access improvements (either directly or through a financial contribution) will be secured through a planning obligation such as a Section 278 and/or Section 106 legal agreement.

The amount/nature of any contribution will be considered on a case by case basis and will be agreed with Oxfordshire County Council as the local highway authority.

The District Council will potentially consider using a proportion of its CIL receipts to support the provision of wider highway and access improvements across the District including where a shortfall of funding secured through planning obligations and/or other sources of funding may exist.

Public transport

- 10.13 Improvements to public transport have a key role in encouraging fewer car journeys, reducing carbon emissions and encouraging active lifestyles. The District Council has an important role to play in collaboration with other organisations such as the County Council to help to improve bus and rail services locally.
- 10.14 Public transport and the associated infrastructure should be available at the very earliest stage possible to reduce the need to travel by car to access services and employment. Reducing the reliance on the car at an early stage is critical to ensure this doesn't become ingrained into the habits of new residents.

- 10.15 As the local highway authority, the County Council is responsible for public transport, school transport and public rights of way. Network Rail is responsible for the maintenance and enhancement of rail infrastructure.
- 10.16 The County Council has developed a Bus and Rapid Transit Strategy which complements and implements elements of the Local Transport Plan (LTP4). This Strategy seeks to enhance the role of the bus as a key component of the overall public transport network in the County. In setting out its transport strategy, the County Council also factors in relevant plans and strategies prepared by key partners, including Network Rail, GWR, and the North Cotswold Line Task Force.
- 10.17 Whilst premium bus routes provide a good service within parts of the District such as Witney, improvements are required including waiting facilities with up to date service information. In addition, improved bus journey times, increased frequencies of services and the introduction of new routes are necessary to support future growth. S106 contributions may be requested from developers to help ‘pump prime’ new routes or incremental enhancements to existing routes.
- 10.18 In negotiation with the local highways authority, developers will be required to assess the public transport need arising from their development. Each site will create different needs and will require different solutions.
- 10.19 New residential developments should be within 400 metres of a bus stop which is considered a reasonable distance to access on foot. There will be exceptions to this depending on the site constraints and opportunities as well as the frequency of the bus service. The design of the development should also allow space to safely embark buses and ensure there is sufficient space to accommodate bus shelters/ space for bicycle storage.
- 10.20 In some instances, contributions towards enhanced rail improvements may also be sought from larger new developments. These will be considered on a case-by-case basis.
- 10.21 Further advice can be provided by the County Council at the pre-application stage on the level and type of provision which is likely to be sought. In some parts of the County, this is based a formulae which can be shared with the developer.
- 10.22 Developer contributions towards public transport will be secured via a planning obligation such as a Section 278 or Section 106 agreement. The District Council will also consider using a proportion of its CIL receipts in support of improved public transport provision across West Oxfordshire (e.g. to help meet any identified funding shortfall).
- 10.23 Further information on potential public transport requirements can be found in OCC’s draft [Developer Guide to Infrastructure Delivery and Contributions](#).

Public Transport: Summary - type of developer contribution to be sought:

For larger residential schemes of more than 10 homes, where necessary, directly, fairly and reasonably related in scale and kind to the development, the provision of improvements to public transport (either directly or through a financial contribution) will be secured through a planning obligation such as a Section 278 and/or Section 106 legal agreement.

The amount/nature of any contribution will be considered on a case by case basis and will be agreed with Oxfordshire County Council as the local highway authority.

In some areas, the County Council has formulae for contributions based on the need for improving bus services due to various developments in those areas and advice on this will be given at pre-application and application stages as appropriate.

The District Council will potentially consider using a proportion of its CIL receipts to support the wider provision of improved public transport across the District including where a shortfall of funding secured through planning obligations and/or other sources of funding may exist.

Healthy and active travel

- 10.24 The West Oxfordshire Local Plan 2031 recognises the importance of enabling more active forms of travel including walking and cycling to reduce car based travel and improve health and wellbeing.
- 10.25 Improving public health, safety and individual wellbeing is also an overarching transport goal of OCC's Local Transport Plan 4 2011-2031. LTP4 includes an Active Healthy Strategy (AHTS) which aims to create the conditions in which more people choose to walk and cycle for more journeys, including those where people use a combination of walking, cycling and public transport to reach their destination.
- 10.26 LPAs have a key role to play in ensuring that new development is supported by new and enhanced pedestrian and cycle infrastructure in liaison with Oxfordshire County Council and other providers. WODC will continue to work with these partners and developers to help deliver attractive and convenient routes including connections to key services including public transport hubs.
- 10.27 In order to further promote active travel, the provision of high quality, well designed and well maintained connections and associated infrastructure including appropriate lighting and clear signage is essential. Developers should demonstrate through master planning and design how their site has been planned to prioritise walking and cycling and developers are encouraged to use the Oxfordshire Walking and Cycling Design Standards.

- 10.28 Contributions may be sought for the upgrade of existing cycleway and footpaths and the provision of new connections as well as other relevant initiatives such as improved facilities along these routes.

Healthy and Active Travel: Summary - type of developer contribution to be sought:

For larger residential schemes of more than 10 homes, where necessary, directly, fairly and reasonably related in scale and kind to the development, improvements to promote active travel (either directly or through a financial contribution) will be secured through a planning obligation such as a Section 278 and/or Section 106 legal agreement.

The amount/nature of any contribution will be considered on a case by case basis and will be agreed with Oxfordshire County Council as the local highway authority.

The District Council will potentially consider using a proportion of its CIL receipts to support the provision of new and improved active travel opportunities across the District including where a shortfall of funding secured through planning obligations and/or other sources of funding may exist.

Travel planning

- 10.29 The Council recognises that promoting alternative sustainable uses of transport is critical in the interests of the environment, reducing carbon emissions and supporting healthy lifestyles.
- 10.30 Travel Plans are a long term management strategy which aim to help integrate sustainable travel options into developments by considering the opportunities for walking, cycling and public transport to be integrated into new and existing developments.
- 10.31 Travel Plans typically include a range of measurable actions and targets which can be monitored throughout the lifetime of the development. Travel plans can be sought on a wide range of planning applications including retail, leisure, employment, residential and mixed use schemes as appropriate.
- 10.32 The production of a Travel Plan and delivery of its measures is generally secured via a planning condition and applies to larger residential developments of 10 or more new homes as well as larger non-residential developments. The County Council may also seek a financial contribution through a planning obligation in respect of ongoing travel plan monitoring.
- 10.33 Further information on the scale of development that will trigger a Travel Plan and the relevant monitoring fees that will apply is set out in the County Council's [summary of travel plan threshold and monitoring fees](#).

Travel Planning: Summary - type of developer contribution to be sought:

Where a Travel Plan is deemed to be required in accordance with the development size thresholds set out by Oxfordshire County Council, this will be secured by way of an appropriate planning condition.

Depending on the size of development, a financial contribution may also be secured through a Section 106 legal agreement in respect of ongoing travel plan monitoring arrangements.

The District Council will potentially consider using a proportion of its CIL receipts to support the promotion of more sustainable and low-carbon travel choices across the District, including for example the establishment of car-clubs and bike hire schemes.

11. Sport, leisure and recreation

- 11.1 Paragraph 91 of the NPPF (2019 update) highlights the importance of sports facilities in supporting healthy lifestyles.
- 11.2 Policy EH5 of the West Oxfordshire Local Plan 2031 requires development to provide or contribute towards the provision of necessary improvements to open space, sports and recreation buildings and land.
- 11.3 There is a growing movement in Oxfordshire, particularly through the Growth Deal and the Oxfordshire Plan 2050, to embed healthy place shaping in the planning process which will have a strong emphasis on sports, leisure and recreation.
- 11.4 The District offers a range of leisure and recreation opportunities. The rural nature of the District lends itself to outdoor activities and there are water based opportunities to the south of the District on the River Thames and on the lakes created by sand gravel extraction.

Indoor sport and leisure facilities

- 11.5 The District's three main service centres Witney, Carterton and Chipping Norton all have leisure centres, with Carterton's leisure centre recently benefitting from substantial upgrades including a sports hall, trampoline and soft play park, new café, and upgraded gym.
- 11.6 To provide evidence of the future needs for indoor sport and leisure facilities across the District, the Council commissioned an ANOG (Analysing, needs and opportunities) in early 2020, with the findings expected to be published shortly. The Council has also recently commissioned a strategic assessment of the need for sports hall provision and swimming pool provision in West Oxfordshire through Sport England in the form of a Facilities Planning Model run.

- 11.7 In respect of sports hall provision, the main conclusion reached is that while there are 13 halls over 9 sports hall sites, the stock is old and the majority have not had any modernisation since they were opened. Furthermore, there is a north-south split in the district, with all but one of the sports halls in the south. There is also a heavy reliance on education sites for sports hall provision and no commercial sites.
- 11.8 In respect of swimming pool provision, the main conclusion reached is that while there are 9 pools over 6 sites, the stock is old and in some instances coming to the end of their useful life.
- 11.9 Once available, the findings of the ANOG (Analysing, needs and opportunities) for built indoor leisure facilities will be used to inform future negotiations in respect of potential developer contributions towards new and enhanced indoor facilities within the District. This will also be reflected in any further update of this draft developer contributions SPD.
- 11.10 For very large residential developments (typically more than 500 homes) where there is a demonstrable need, the District Council may seek to secure the provision of on-site indoor sport and leisure facilities as part of the development through a Section 106 legal agreement. If this is not feasible or desirable, an appropriate financial contribution will be sought through a Section 106 legal agreement. A financial contribution may also apply to smaller residential schemes of more than 10 homes and will be secured through a Section 106 legal agreement.
- 11.11 The quality and design of sports facilities should reflect current best practice, including design guidance from Sport England and the national governing bodies of the relevant sports. Early discussion with the District Council's leisure team at the pre-application stage is strongly encouraged.

Indoor Sports and Leisure: Summary - type of developer contribution to be sought:

Larger residential developments of more than 500 homes will, where necessary, directly, fairly and reasonably related in scale and kind to the development, be expected to provide indoor sport and leisure facilities as part of the development. Where this is not feasible or desirable, an appropriate financial contribution will be sought.

For smaller residential schemes of more than 10 new homes, where there is a demonstrable need, financial contributions towards new and enhanced indoor sport and leisure facilities off-site will be sought.

On and off-site provision will be secured by way of a Section 106 legal agreement.

The District Council will potentially consider using a proportion of its CIL receipts to support the provision of new and improved indoor sport and leisure facilities across the District including where a shortfall of funding secured through planning obligations and/or other sources of funding may exist.

Outdoor Sports (e.g. playing pitches and courts)

- 11.12 Outdoor sports provision can include school playing fields, sports fields and pitches and forms an important part of the overall sports and leisure 'offer' of the District.
- 11.13 Existing evidence on outdoor sports needs in West Oxfordshire is now somewhat out of date including a 2013 Open Space Study and a 2014 Playing Pitch Strategy. As such, a new Playing Pitch Strategy is being undertaken and is due to be published by autumn 2021.
- 11.14 In the interim, the Council's approach will be guided by the 2015 Fields in Trust publication; ['Guidance for Outdoor Sport and Play; Beyond the Six Acre Standard'](#) which sets a benchmark level of provision of 1.6 ha of outdoor sports provision per 1,000 people (to be applied on a pro-rata basis depending on the projected population increase associated with a new development).
- 11.15 For larger residential schemes of more than 50 homes, where there is a demonstrable need, provision may be sought for 'on-site' provision for outdoor sports based on the above standard, through a Section 106 legal agreement. For smaller schemes of 11-50 homes a financial contribution towards off-site provision will be sought, again through a Section 106 legal agreement.

Outdoor Sports: Summary - type of developer contribution to be sought:

For larger residential developments of more than 50 homes, where necessary, directly, fairly and reasonably related in scale and kind to the development, the District Council will seek to secure the provision of new outdoor sports facilities as part of the development through a Section 106 legal agreement. Where this is not feasible or desirable, an appropriate financial contribution will be sought.

For smaller residential schemes of 11 – 50 homes, where there is a demonstrable need, financial contributions towards new and enhanced outdoor sports facilities off-site will be sought.

On and off-site provision will be secured by way of a Section 106 legal agreement.

Pending completion of the District Council's forthcoming Playing Pitch Strategy in 2021, the Fields in Trust benchmark standard of 1.6 ha per 1,000 population will be used as the minimum, quantitative basis for provision, calculated on a pro-rata basis as appropriate.

The District Council will potentially consider using a proportion of its CIL receipts to support the provision of new and improved outdoor sports facilities across the District including where a shortfall of funding secured through planning obligations and/or other sources of funding may exist.

Play Areas

- 11.16 Policy EH5 of the West Oxfordshire Local Plan 2031 requires development to provide or contribute towards the provision of necessary improvements, including play space. There are a number of different forms of outdoor play space including:
- Local Areas for Play (LAPs) - primarily for under-6s;
 - Local Equipped Areas for Play (LEAPs) – for children who are beginning to go out and play independently;
 - Neighbourhood Equipped Areas for Play (NEAPs) - mainly for older children but with play opportunities for younger children too.
- 11.17 Other outdoor play provision can include multi-use games areas (MUGAs) skate parks and exercise equipment for all ages.
- 11.18 In terms of the quantum of provision required, the District Council will be guided by the benchmark guidelines set out in the 2015 Fields in Trust publication; '[Guidance for Outdoor Sport and Play; Beyond the Six Acre Standard](#)' of 0.25 ha per 1,000 population for LAPs, LEAPs and NEAPs and 0.3 ha per 1,000 population for other outdoor provision such as MUGAs and skateboard parks.
- 11.19 Play space should be accessible in terms of comfortable walking distances, with the Fields in Trust Guidance suggesting that a LAP should be within 100m of any dwellings, a LEAP within 400m, a NEAP within 1,000m and other outdoor provision (e.g. MUGA or skate park) within 700m.
- 11.20 As they are relatively small (LAPs typically 10m x 10m and LEAPs typically 20m x 20m) the Council will generally seek to secure the on-site provision of LAPs and LEAPS as part of housing schemes of more than 10 homes through a Section 106 legal agreement. On-site provision will not always be appropriate or necessary and in some instances, a financial contribution will be sought instead – again through a Section 106 agreement.
- 11.21 NEAPs have a greater land take (31.6m x 31.6m) and as such, will generally only be sought on-site as part of much larger housing schemes of more than 500 homes. MUGAs (40m x 20m) will sometimes be sought on schemes of more than 200 homes depending on site-specific circumstances and local requirements.
- 11.22 Where on-site provision of play space is not made and where there is a demonstrable need for new and enhanced provision in the locality, the District Council will seek to secure an appropriate financial contribution through a Section 106 legal agreement.
- 11.23 Further information regarding play design principles has been produced by [Play England](#) to help inform developers. These include the need for play areas to be well-designed, well located, accessible to all children and flexible in the way they can be used.

Play Areas: Summary - type of developer contribution to be sought:

For residential schemes of between 11 – 200 homes, where necessary, directly, fairly and reasonably related in scale and kind to the development, the District Council will seek to secure the provision of a Local Area for Play (LAP) and/or Local Equipped Area for Play (LEAP) as part of the development through a Section 106 legal agreement. This will be based on a quantitative requirement of at least 0.25 ha per 1,000 population. Where this is not feasible or desirable, an appropriate financial contribution will be sought.

For larger residential schemes of more than 200 homes, the Council will seek to secure a Multi-Use Games Area (MUGA) as part of the development through a Section 106 legal agreement based on a quantitative requirement of at least 0.3 ha per 1,000 population. Where this is not feasible or desirable, an appropriate financial contribution will be sought as appropriate.

For very large residential schemes of more than 500 homes, the Council will seek to secure a Neighbourhood Equipped Area for Play (NEAP) as part of the development through a Section 106 legal agreement. This will be based on a quantitative requirement of at least 0.25 ha per 1,000 population.

Where provision for play is not made on site, an appropriate financial contribution will be sought towards new or enhanced play space provision in the locality.

On and off-site provision will be secured by way of a Section 106 legal agreement.

In some instances, a combination of on-site provision and a financial contribution towards off-site provision may be acceptable.

The District Council will potentially consider using a proportion of its CIL receipts to support the provision of new and improved play areas across the District including where a shortfall of funding secured through planning obligations and/or other sources of funding may exist.

Allotments and other community growing space

- 11.24 Ensuring easy access to the production and provision of affordable healthy food, including allotment space and community gardens, is essential in the creation of healthy places. There is strong support amongst communities for people to grow their own food, particularly through the provision of allotment space which can supplement a family's weekly shop and help create a sense of community.
- 11.25 The Council will seek the on-site provision of allotments or other community growing space as part of the five strategic site allocations within the West Oxfordshire Local Plan (East Witney, North Witney, East Chipping Norton, Salt Cross Garden Village and West Eynsham).

- 11.26 Based on the Eynsham Area Infrastructure Delivery Plan (July 2020) for Salt Cross Garden Village and the West Eynsham SDA, this will be based on an indicative quantitative requirement of 0.39 hectares per 1,000 people, including 0.3 ha/1,000 for allotments and 0.09 for community orchards and other growing space. Provision will be secured by way of a Section 106 planning obligation.
- 11.27 For the other three strategic local plan allocations (East Witney, North Witney and East Chipping Norton) and for all other larger housing schemes of more than 50 homes, provision of allotments and/or other community growing space will be sought on-site based on a standard of 0.3ha per 1,000 people. Provision will be secured by way of a Section 106 planning agreement.
- 11.28 Space should be provided in an accessible and suitable location within the site and the location should be agreed with the LPA at an early stage. Where on-site provision is not feasible, financial contributions will be sought to allow for off-site upgrades/ extensions to local allotment sites or for the creation of new allotments or community growing space. Again, this will be secured by way of a Section 106 planning agreement.
- 11.29 Schemes of less than 50 homes will not be required to make specific provision for allotments/community growing space but the Council will potentially consider using a proportion of its CIL receipts to support the provision of new and improved allotments and community growing space across the District.

Allotments and other community growing space: Summary - type of developer contribution to be sought:

In respect of Salt Cross Garden Village and the West Eynsham SDA, the provision of on-site allotments and other community growing space will be sought and secured through a Section 106 legal agreement based on an indicative quantitative requirement of at least 0.39 ha per 1,000 people, including 0.3 ha/1,000 for allotments and 0.09/1,000 for community orchards and other community growing space.

In respect of the East Witney SDA, North Witney SDA and East Chipping Norton SDA and all other larger housing schemes of more than 50 homes, provision of on-site allotments or other community growing space will be sought and secured through a Section 106 legal agreement based on an indicative quantitative requirement of at least 0.3 ha per 1,000 people.

Where on-site provision is demonstrably not feasible, a financial contribution will be sought to enable off-site provision or enhancements to be made.

On and off-site provision will be secured by way of a Section 106 legal agreement.

In some instances, a combination of on-site provision and a financial contribution towards off-site provision may be acceptable.

The District Council will potentially consider using a proportion of its CIL receipts to support the provision of new and improved allotments and community growing space across the District.

Other green space

- 11.30 Other types of green space typically provided as part of new developments include formal parks and gardens, amenity green space and natural and semi-natural green space.
- 11.31 Formal parks and gardens include urban parks, country parks, forest parks, and formal gardens, amenity green space typically includes informal recreation spaces, communal green spaces in and around housing, and village greens, whilst natural and semi-natural green space includes woodland, scrub, grassland, wetlands, open and running water, and open access land.
- 11.32 In the interest of creating healthy communities, the District Council will seek to secure the provision of these types of other green spaces as an integral part of the development. The nature of spaces sought will depend on the scale of development, with smaller proposals lending themselves to amenity green space and natural and semi-natural green space and larger developments to formal parks and gardens.
- 11.33 As a general guide, amenity green space will generally be sought on-site as part of residential schemes of more than 10 dwellings based on a quantitative requirement of 0.6 ha per 1,000 people applied on a pro-rata basis. Natural and semi-natural green space will be sought as part of schemes of more than 50 dwellings based on a quantitative requirement of 1.8 ha per 1,000 people applied on a pro-rata basis. Formal parks and gardens will be sought on site as part of schemes of more than 200 dwellings based on a quantitative requirement of 0.8 ha per 1,000 people (pro-rata).
- 11.34 This will be secured by way of a Section 106 legal agreement. Where on-site provision is not feasible, a financial contribution will be sought towards provision or enhancements off-site and secured through a Section 106 legal agreement.
- 11.35 The Council will also potentially consider using a proportion of its CIL receipts to support the provision or enhancement of 'other green space' across the District.

Other Green Space: Summary - type of developer contribution to be sought:

For residential schemes of more than 10 dwellings, the Council will, where necessary, directly, fairly and reasonably related in scale and kind to the development, seek to secure the on-site provision of amenity green space by way of a Section 106 agreement. This will be based on a quantitative requirement of 0.6 ha per 1,000 people applied on a pro-rata basis.

For residential schemes of more than 50 dwellings, the Council will seek to secure the on-site provision of natural and semi-natural green space by way of a Section 106 agreement. This will be based on a quantitative requirement of 1.8 ha per 1,000 people applied on a pro-rata basis.

For larger residential schemes of more than 200 dwellings, the Council will seek to secure the on-site provision of formal parks and gardens by way of a Section 106 agreement. This will be based on a quantitative requirement of 0.8 ha per 1,000 people applied on a pro-

rata basis.

Where on-site provision of other green space is demonstrably not feasible, a financial contribution will be sought to enable off-site provision or enhancements to be made.

On and off-site provision will be secured by way of a Section 106 legal agreement.

In some instances, a combination of on-site provision and a financial contribution towards off-site provision may be acceptable.

The District Council will also potentially consider using a proportion of its CIL receipts to support the provision or enhancement of other green space across the District.

Public rights of way (PRoW)

- 11.36 The NPPF describes how public access to a network of high-quality open spaces and opportunities for sport and physical activity is important for the health and well-being of communities. It states that planning policies and decisions should protect and enhance public rights of way and access, including taking opportunities to provide better facilities for users.
- 11.37 Policy EH5 of the West Oxfordshire Local Plan requires development to provide or contribute towards the provision of necessary improvements to open space and land where appropriate, including public rights of way.
- 11.38 Where developments affect Public Rights of Way, either within the development site or off site, Oxfordshire County Council should be contacted at the earliest possible stage. They have produced an Oxfordshire Rights of Way Management Plan to 2025.
- 11.39 It is OCC's priority to protect existing countryside access and to mitigate the impacts of development to enhance the network for all users. This includes protecting and enhancing access on individual developments, securing mitigation measures linked to individual development sites and seeking pooled contributions where appropriate towards important local area countryside access route assets.
- 11.40 The County Council have prepared a PRoW Planning Information Note setting out the issues that developers should consider when undertaking works which might affect PRoW. Further information on when contributions may be sought and how these will be calculated can be found in the County Council's draft [Developer Guide to Infrastructure Delivery and Contributions](#).
- 11.41 Contributions may be sought by OCC towards mitigation measures on existing rights of way in the wider area that are likely to be affected by the development. Contributions will be indexed and based on an assessment of the anticipated costs of individual schemes linked to a specific development site, not calculated with a standard tariff.

- 11.42 In addition to any site-specific contributions towards public rights of way secured via Section 106 planning obligations, the District Council will also potentially consider using a proportion of its CIL receipts to support the provision or enhancement of public rights of way across the District.

Public Rights of Way: Summary - type of developer contribution to be sought:

All development which will impact on an existing right of way will be required to mitigate the impacts to protect existing countryside access. Where necessary, directly, fairly and reasonably related in scale and kind to the development, a financial contribution will be sought towards appropriate mitigation measures via a Section 106 legal agreement.

The developer should contact Oxfordshire County Council to discuss the necessary measures required at the earliest possible stage.

The District Council will also potentially consider using a proportion of its CIL receipts to support the provision or enhancement of public rights of way across the District.

12. The environment

Biodiversity

- 12.1 The NPPF specifies the need to protect biodiversity, including designated sites and priority habitats and species, and emphasises the need to conserve, restore and recreate ecological networks to ensure that biodiversity is more resilient to current and future pressures, including climate change. In accordance with paragraph 170 of the NPPF, and reflecting best practice guidance published by IEMA, CIRIA and CIEEM⁵, developments should minimise impacts on, and provide net gains for, biodiversity (with proposals delivering greater levels of biodiversity compared to that before development).

- 12.2 Paragraph 174 of the NPPF goes on to state that plans should:

a) Identify, map and safeguard components of local wildlife-rich habitats and wider ecological networks, including the hierarchy of international, national and locally designated sites of importance for biodiversity; wildlife corridors and stepping stones that connect them; and areas identified by national and local partnerships for habitat management, enhancement, restoration or creation⁵⁷; and

⁵ Institute of Environmental Management and Assessment (IEMA), Construction Industry Research and Information Association (CIRIA) and Chartered Institute of Ecology and Environmental Management (CIEEM) (2016) Biodiversity Net Gain: Good practice principles for development.

b) Promote the conservation, restoration and enhancement of priority habitats, ecological networks and the protection and recovery of priority species; and identify and pursue opportunities for securing measurable net gains for biodiversity.

- 12.3 Policy EH3 (biodiversity and geodiversity) of the West Oxfordshire Local Plan 2031 sets out the need for biodiversity to be protected and enhanced to achieve an overall net gain in biodiversity.
- 12.4 The Environment Bill 2020 supplements existing legislation and policy and introduces new incentives, actions and planning tools to drive further improvements for nature. It also lays the foundation for a Nature Recovery Network and introduces a mandatory requirement for biodiversity net gain in the planning system, to ensure that new developments enhance biodiversity.
- 12.5 In addition, the Biodiversity 2020 strategy sets out the government's objectives to conserve, enhance and restore the diversity of England's wildlife and by enhancing biodiversity in green spaces among developments.
- 12.6 The Thames Valley Environmental Records Centre (TVERC) provides the central point of contact for information on biodiversity and geodiversity within Oxfordshire. Therefore developers are advised to access the information held by TVERC in order to assess the impact of their development on the natural environment. TVERC also provide a biodiversity metric assessment service to assist developers with their calculations of biodiversity net gain.
- 12.7 Habitat and species surveys will be required to measure the biodiversity impact and identify opportunities for biodiversity enhancements on sites of known, or potential, biodiversity value. The accompanying reports should be submitted alongside any planning application affecting the site. In assessing the environmental impacts, the developers should follow the mitigation hierarchy of avoiding, reducing and mitigating any adverse environmental impacts.
- 12.8 Where mitigation for the biodiversity impacts of a development and the delivery of biodiversity net gain can be achieved on site, the LPA will ordinarily secure these through planning conditions. However, arrangements for the long term management and maintenance of this mitigation and net gain may be secured by a S106 agreement if this is considered to be appropriate.
- 12.9 Where it can be demonstrated that it is not possible to achieve on-site mitigation or compensation, financial contributions may be sought towards a scheme that adequately offsets the impact of the development and provides a net gain in line with Government guidance. This will be secured by way of a Section 106 legal agreement. The financial contribution for off-site biodiversity net gain (offset) will be secured by planning condition

based on the number of units required and the submission of an offset delivery provider certificate to confirm that the contribution required has been paid to them.

- 12.10 The District Council will also potentially consider using a proportion of its CIL receipts to support the provision of biodiversity enhancements across the District.

Biodiversity: Summary - type of developer contribution to be sought:

In accordance with Policy EH3 of the West Oxfordshire Local Plan, all new development must protect and enhance biodiversity, demonstrating a net gain in biodiversity where possible.

All development will therefore be expected to incorporate on-site mitigation and enhancement measures as appropriate. These will normally be secured by way of a planning condition.

Where it is not possible to achieve adequate on-site mitigation or compensation, a financial contribution will be sought for off-site measures to adequately offset the impact of the development. This will be secured through a Section 106 legal agreement.

In most circumstances, the required financial contribution for off-site biodiversity net gain based on the number of biodiversity units and an agreed per unit cost will be secured by planning condition unless there is a specific need to secure this via a S106 Agreement, for example, where the development will occur over multiple phases.

The District Council will also potentially consider using a proportion of its CIL receipts to support the provision of biodiversity enhancements across the District including where a shortfall of funding secured through planning obligations and/or other sources of funding may exist.

Air quality

- 12.11 Air pollution is associated with a number of adverse health impacts and particularly affects the most vulnerable in society: children and older people, and those with heart and lung conditions.
- 12.12 Areas within West Oxfordshire which don't meet National Air Quality Standards have been declared Air Quality Management Areas (AQMAs). The main air quality issues in the West Oxfordshire District area are related to vehicular density within relatively congested urban areas, thus nitrogen dioxide is the main pollutant of concern.
- 12.13 Areas in West Oxfordshire not meeting the objective for Nitrogen Dioxide include Bridge Street, Witney and Horsefair/ High Street, Chipping Norton. Air Quality Action plans for these areas have been produced to find out the source of the problem and reduce concentrations of air pollutants to below National Air Quality Standards.

- 12.14 All new major residential and non-residential development which will result in increased traffic movements within the AQMA identified above will be required to pay a financial contribution to help introduce measures to offset the increase in pollutant measures.
- 12.15 The level of contribution will be negotiated on a case by case basis depending on the level of additional traffic movements which is likely to result from the development. The District Council will also potentially consider using a proportion of its CIL receipts to support the provision of air quality improvements in key locations across the District including where a shortfall of funding secured through planning obligations and/or other sources of funding may exist.

Air Quality: Summary - type of developer contribution to be sought:

Residential developments of more than 10 homes and larger non-residential developments of more than 1,000 sq.m, which would demonstrably increase vehicular movements within an AQMA will be required to make an appropriate financial contribution towards measures to offset increases in local pollutant emissions. This will be secured by way of a Section 106 legal agreement.

The District Council will potentially consider using a proportion of its CIL receipts to support the provision of air quality improvements in key locations across the District including where a shortfall of funding secured through planning obligations and/or other sources of funding may exist.

Flood risk, water management and sustainable drainage

- 12.16 There are several rivers flowing through the District which are important corridors for biodiversity and recreation however they present a flood risk and communities including Witney have suffered from flooding, in particular in 2007.
- 12.17 Oxfordshire County Council (OCC) is the Lead Local Flood Authority (LLFA) and has a duty to develop and maintain a strategy for the management of local flood risk in Oxfordshire. OCC works closely with WODC and other key stakeholders, including the Environment Agency and Thames Water.
- 12.18 In accordance with Policy EH7 of the West Oxfordshire Local Plan 2031, flood risk will be managed using the sequential risk based approach (and if necessary, the Exception Test) set out in the NPPF to reduce the risk of flooding to people and property. The Sequential Test aims to steer new development to areas with the lowest probability of flooding. If this is not possible, the Exception Test can be applied where appropriate and the applicant will be required to submit a Strategic Flood Risk Assessment and a site-specific flood risk assessment to help meet the Exception Test requirements as set out in paragraph 8.57 of the West Oxfordshire Local Plan 2031.
- 12.19 Site specific flood risk assessments will be required for all proposals of 1ha or more and for any proposed development in Flood Zone 2 and 3/ Critical Drainage Areas.

- 12.20 All proposals for development across the District will be required to ensure that all potential sources of flooding (including sewerage and surface water) are addressed with measures to manage or reduce their impacts on and off the site. Landowners and developers will need to ensure that appropriate flood resilient and resistant measures should be incorporated into the scheme, including sustainable drainage systems to manage run-off and support improvements in water quality. In some cases it may be appropriate to safeguard land required for flood management and this should be managed as part of the green infrastructure.
- 12.21 It is expected that landowners/ developers meet the costs of the above measures including direct off-site flood risks and any indirect residual flood risks arising from their development.
- 12.22 Planning obligations will normally be sought where the development requires off-site management of surface water and off-site works to manage any potential increase in the risk of flooding from fluvial sources arising from the development proposed. The planning obligation will normally require the works to be undertaken and agreed by the appropriate Risk Management Authority, and appropriate contracts to be in place to secure the delivery of off-site work before the development can commence.
- 12.23 On-site infrastructure which is required to alleviate the risk of flooding, and reduce impacts on drainage infrastructure will normally form part of the detailed matters submitted and agreed through the planning application process and the delivery can therefore be secured through a planning condition. However, the on-going maintenance of on-site infrastructure may need to be secured through a Section 106 Agreement.
- 12.24 If the drainage and flood risk management works are being undertaken by the developer, this work must be completed to a timetable or phasing plan agreed with the Local Planning Authority. The Section 106 Agreement will set out the phasing requirements for planning obligations related to drainage and flood risk management infrastructure.
- 12.25 In terms of the maintenance of on and off site flood risk management and drainage infrastructure, this will need to be maintained to ensure it continues to be effective. In some cases, this may be adopted by the appropriate authority but where this is not possible the developer will need to ensure mechanisms are in place to secure on-going and effective maintenance in perpetuity. This should be secured through a clause within a Section 106 Agreement.
- 12.26 Further information on flood and water management and Sustainable Drainage Systems can be obtained from the County Council's [draft Guide to Developer Contributions](#).

Flood risk, water management and sustainable drainage: Summary - type of developer contribution to be sought:

Where necessary, directly, fairly and reasonably related in scale and kind to the development, on-site flood risk management and associated drainage infrastructure, including the provision of land where appropriate, will be secured through a Section 106 legal agreement or through conditions attached to a planning consent.

Off-site flood risk management and drainage infrastructure necessary to support a development will be sought as appropriate and secured through a Section 106 legal agreement.

The effective maintenance of on and off-site flood risk management and drainage infrastructure will be secured by a Section 106 legal agreement.

The District Council will also potentially consider using a proportion of its CIL receipts to provide flood risk, water management and sustainable drainage improvements across the District.

Archaeology

- 12.27 The National Planning Policy Framework (NPPF) requires an 'applicant to describe the significance of any heritage assets affected (by their development) including any contribution made by their setting' (NPPF para 189). This should normally be set out in a Heritage Statement submitted with the planning application. The NPPF states that as a minimum the Historic Environment Record (HER) will need to be consulted which is maintained by the County Council.
- 12.28 Policy EH15 of the West Oxfordshire Local Plan 2031 requires development to conserve and enhance the significance of scheduled monuments and archaeological remains, including their setting. Any unavoidable harm should be minimised and mitigated in accordance with this Policy and in liaison with the Archaeology Team at Oxfordshire County Council.
- 12.29 As well as known archaeological sites and historic features, new sites continue to be discovered, often as a result of development activities. It is therefore important that measures are taken when planning permission is considered to investigate, record, analyse and protect these non-renewable assets, usually via a planning condition.
- 12.30 Developers should contact the Archaeology Team at Oxfordshire County Council at the pre-application stage so that they can be aware of any requirements that may be made prior to or when an outline or full application is made.

- 12.31 If there are areas of archaeological significance then the developer will be required to mitigate and plan how to protect assets in consultation with the Archaeology Team. Measures required by OCC may include site management, public access, interpretation schemes and open space provision designed into the development to protect remains.

Archaeology: Summary - type of developer contribution to be sought:

Developers will be required to mitigate and protect archaeological assets which will be affected by development, both within the site boundary and off-site.

This will be secured via planning condition.

13. Community and culture

The public realm and public art

- 13.1 Paragraph 124 of the NPPF states that the ‘creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities’.
- 13.2 Policy OS4 (High Quality Design) of the West Oxfordshire Local Plan 2031 makes clear that high design quality is central to the overall strategy for future growth in West Oxfordshire. Policies OS5 (Supporting infrastructure) and EH4 (Public Realm and Green Infrastructure) provide WODC’s policy basis for seeking contributions towards the public realm, including public art.
- 13.3 The public realm can play an important role in enhancing the character of an area and improving the overall quality of space. The public realm relates to all those parts of the built environment, including privately owned spaces. The quality of the public realm is an important consideration in the design and layout of a development. High quality design and good management of the public realm is essential in creating successful and vibrant places and can help to establish an identity for an area.
- 13.4 Public art is an expression of cultural wellbeing and engages people with the economic, social and environmental development of places. It can be permanent or temporary and may include: the installation of artworks in the public realm; the involvement of artists in the planning and design of buildings and spaces; facilities for the arts and artists working creatively with communities in order to explore and articulate issues of local significance. Public art projects which engage existing and new communities and enable them to celebrate and/ or investigate local identity and/ or local issues will support social development, cohesion and wellbeing.

- 13.5 The [West Oxfordshire Design Guide](#) (adopted April 2016) is a Supplementary Planning Document and explains how the Council will require developers to support the provision of public art projects.
- 13.6 In general terms, this will comprise either:
- the funding, management, development, implementation and maintenance of public art projects, which form part of developments located within Strategic Development Areas and major development sites; or
 - a financial contribution towards the provision of or enhancement to public art projects/ public realm improvements located outside Strategic Development Areas and major development sites which should usually be within the vicinity of a site.
- 13.7 The design guide is an adopted SPD and as such is a 'material consideration' in planning decisions.
- 13.8 West Oxfordshire District Council has historically sought the provision of public art as part of major new developments, particularly in town centres, leisure centres and residential areas and will continue to do so.
- 13.9 The Local Plan includes five strategic site allocations and a number of other large non-strategic allocations including sites at Woodstock and Carterton. Other large sites may also be put forward over the course of the Local Plan as 'windfall' development.
- 13.10 The Council through its Public Art team will therefore continue to support developers in delivering public art and other public realm improvements in particular within the five strategic local plan allocations and larger residential development proposals of more than 50 homes.
- 13.11 The implementation, management and maintenance of public realm improvements and public art will be secured through a Section 106 legal agreement and/or planning condition as appropriate. The contribution sought will reflect the character and scope of the works required and will be negotiated on a case-by case basis.
- 13.12 The District Council will also potentially consider using a proportion of its CIL receipts to fund public realm improvements and public art across the District.

Public Realm and Public Art: Summary - type of developer contribution to be sought:

The provision and maintenance of public realm improvements and public art will be sought as part of the five strategic site allocations within the West Oxfordshire Local Plan 2031 and as part of larger residential developments of more than 50 homes.

This will be secured by way of a Section 106 legal agreement or planning condition.

The District Council will also potentially consider using a proportion of its CIL receipts to fund public realm improvements and public art across the District.

Community facilities

- 13.13 The NPPF states that planning policies and decisions should plan positively for the provision and use of shared spaces, community facilities (such as local shops, meeting places, sports venues, open space, cultural buildings, public houses and places of worship) and other local services to enhance the sustainability of communities and residential environments (NPPF, par 92). Policy OS5 'Supporting infrastructure' of the Local Plan 2031 provides the Council's policy basis for seeking contributions towards the provision of community meeting space.
- 13.14 Community centres and community halls provide a wide range of opportunities for a variety of social, welfare and leisure activities that assist in the creation of sustainable communities. These include space for meetings, exhibitions and social events. There are a number of delivery partners involved in the delivery of new community facilities in the District including WODC, OCC, developers, Parish Councils, local churches and the voluntary sector.
- 13.15 It should be noted that whilst this draft SPD addresses the need for community facilities within the context of community development, it does not specifically address places of worship.
- 13.16 On larger strategic sites such as the five strategic site allocations in the Local Plan (which vary in size from 450 homes – 2,200 homes) the Council will generally expect new community facilities to be provided on-site as an integral part of the development to promote social cohesion and activity.
- 13.17 In some instances, it may also be appropriate to provide some sort of community space as part of smaller developments of more than 100 homes e.g. to support the cumulative impact of growth or to support a particular need e.g. the provision of specialist housing for a particular group or groups. This will be considered on a case-by-case basis.
- 13.18 On larger development sites, facilities should be accessibly located (normally 800 metre walking distance) and the scale of the facilities should be commensurate to the scale of the development. Meeting spaces should be flexible and able to be put to multiple uses and the developer should agree the specification of any new facility with the Council.
- 13.19 The construction of facilities should be phased at an early stage of construction in agreement with the Council. A commuted sum for the future maintenance of the facility may also be sought and arrangements for the long terms stewardship of the facilities will need to be agreed with the Council.
- 13.20 Where the on-site provision of new community facilities is identified as being necessary, the Council will seek to secure this by way of a Section 106 legal agreement.
- 13.21 Where new development gives rise to a need for additional community space but not a new freestanding facility, financial contributions will be sought for off-site provision such as the improvement/upgrade of existing facilities where appropriate.

- 13.22 The contributions sought will be calculated on a case-by-case basis with benchmarking exercises suggesting that a figure of £200 sq m per 1,000 population (applied on a pro-rata basis) may be an appropriate starting point⁶.
- 13.23 However this will depend on a number of factors including the scale of proposed development, the level of local need/existing provision identified and accessibility to existing provision.
- 13.24 Because of the cumulative impact of all scales of development on the capacity of community facilities within the District, the Council will also potentially consider using a proportion of its CIL receipts to fund new and enhanced community facilities across the District, including where there is a funding shortfall for a particular project from other sources.

Community Facilities: Summary - type of developer contribution to be sought:

New community facilities will be sought on-site as an integral part of all strategic site allocations within the West Oxfordshire Local Plan 2031.

The Council will also consider on a case-by-case basis whether there is a demonstrable need for the on-site provision of community facilities in smaller developments of more than 100 homes, particularly to take account of any cumulative impact of growth in the area or to address a specific need e.g. specialist housing provision.

In all instances, where on-site provision of a community facility or facilities is deemed to be necessary, the Council will seek to secure this by way of a Section 106 legal agreement including arrangements for long-term maintenance.

Where new development gives rise to a need for additional community space but not a new freestanding facility, a financial contribution will be sought towards off-site provision such as the improvement/upgrade of existing facilities where appropriate. This will be secured by way of a Section 106 legal agreement.

The District Council will also potentially consider using a proportion of its CIL receipts to fund the enhancement and provision of community facilities across the District.

Community services (libraries, museums, adult and children support services)

- 13.25 Community services including libraries, adult and children support services and museums are essential in supporting community cohesion and learning opportunities for adults and children.
- 13.26 Paragraph 92 of the NPPF requires LPAs to plan positively for the provision and use of shared spaces, community facilities and other local services to enhance the sustainability of communities and residential environments.

⁶ Para 5.1.21 Eynsham Area Infrastructure Delivery Plan Updated Draft Report July 2020

- 13.27 The West Oxfordshire Local Plan sets out the importance of local facilities in meeting the day to day needs of residents by providing social meeting places, sports venues and other essential local services. Policy E5 supports the retention of local services and community facilities to meet local needs and to promote social wellbeing, interests, interaction and healthy inclusive communities.
- 13.28 Oxfordshire County Council is responsible for social and community services, including libraries, museums, adult social care, family safeguarding and youth provision. OCC's Corporate Plan 2019 to 2022 confirms its commitment to providing library, cultural, museum and music services with funding and investment to be sought from development through Section 106 legal agreements.
- 13.29 There are 11 libraries in West Oxfordshire which are the responsibility of Oxfordshire County Council (OCC). Carterton, Chipping Norton, Eynsham and Witney libraries have been designated as core libraries.
- 13.30 It has been identified through discussions with Oxfordshire County Council that the level of growth proposed for Witney, Carterton, Chipping Norton, Eynsham and Woodstock will place additional pressures on those particular libraries. More general growth will place pressure upon all libraries and particularly the Central County Library in Oxford.
- 13.31 As such, the five strategic site allocations identified in the West Oxfordshire Local Plan 2031 will be expected to make appropriate provision for libraries by way of a Section 106 legal agreement.
- 13.32 In the future, other options to provide facilities such as this may be explored. As an example, libraries may become an integrated part of a Community Hub that includes other elements of infrastructure.
- 13.33 In respect of potential contributions towards museum provision, the (former) Museums, Libraries and Archives (MLA) previously recommended a benchmark minimum standard floor space for museums of 28 sq m per 1,000 population for local authorities. However, developers should contact the County Council regarding the likely level of contribution that may be required.
- 13.34 Smaller development will be expected to contribute towards community services through CIL.
- 13.35 For further information on developer requirements in relation community services, please refer to the [Oxfordshire County Council's draft Developer Guide to Infrastructure Contributions](#).

Community Services: Summary - type of developer contribution to be sought:

The five strategic development areas allocated in the West Oxfordshire Local Plan 2031 (Salt Cross Garden Village formerly known as the Oxfordshire Cotswolds Garden Village, West Eynsham, East Chipping Norton, North Witney and East Witney) will be expected to make appropriate contributions towards the provision and enhancement of community services including libraries, adult and children support services and museums.

This will be secured by way of a Section 106 legal agreement.

All other qualifying development will contribute towards community services through CIL. These CIL receipts will help to fund the enhancement and provision of community services across the District including where a shortfall of funding secured through planning obligations and/or other sources of funding may exist.

Burial Space

- 13.36 Policy OS5 (Supporting Infrastructure) of the adopted Local Plan 2031 requires development to contribute to the timely provision of essential supporting infrastructure including burial grounds.
- 13.37 Burial space comprises churchyards managed under the auspices of the Diocese of Dorchester, cemeteries managed by Town or Parish Councils and natural burial grounds.
- 13.38 A significant proportion of burial capacity across West Oxfordshire is accommodated in Churchyards, however there is strict criteria to be fulfilled by the deceased to qualify for burials in a Churchyard and so adequate provision of burial space for those who do not qualify is a factor for consideration when assessing the impacts of additional growth.
- 13.39 Whilst a comprehensive study into the need for burial space in the District has not been undertaken, due to the emergency planning efforts for the Covid-19 pandemic, a recent survey was undertaken with all West Oxfordshire Town and Parish Councils for two weeks in early May 2020. The analysis has been undertaken to reflect the five WODC Local Plan 'Sub-Areas' and the settlement hierarchy.
- 13.40 The need for additional burial space has historically been raised as an issue by some communities within the District, including Eynsham. The Council's survey undertaken in May is a useful assessment in determining where there are particular gaps in provision, particularly for those communities who will be accommodating additional growth.
- 13.41 Due to the significant increases in population that will arise from the five strategic site allocations in the West Oxfordshire Local Plan, these developments will be expected to make a direct contribution towards burial space capacity either through the direct provision of land, where appropriate and suitable, or through a financial contribution. In addition larger residential developments of more than 50 homes will be required to make a financial contribution if a local need is identified. This will be secured through a planning condition and/or Section 106 legal agreement as appropriate.

- 13.42 Because of the cumulative impact of all scales of development on the capacity of community facilities within the District, the Council will also potentially consider using a proportion of its CIL receipts to fund additional burial capacity across the District.

Burial Space: Summary - type of developer contribution to be sought:

The five strategic site allocations set out in the West Oxfordshire Local Plan 2031 and larger residential developments of more than 50 homes will be expected to make a contribution towards burial space capacity either through the direct provision of land, where appropriate and suitable, or through a financial contribution. This will be secured through a planning condition and/or Section 106 legal agreement as appropriate.

All other qualifying development will contribute towards burial space through CIL. These CIL receipts will be used to fund additional burial capacity across the District as appropriate including where a shortfall of funding secured through planning obligations and/or other sources of funding may exist.

14. Health and social care

- 14.1 The West Oxfordshire Locality is made up of eight GP practices covering the registered population. In addition two hospitals are located within the District in Witney and Chipping Norton.
- 14.2 Paragraph 20 of the NPPF requires strategic policies to make sufficient provision for community facilities including health care provision.
- 14.3 The West Oxfordshire Local Plan 2031 (Policy OS5 – Supporting Infrastructure) requires development to contribute to the timely provision of essential supporting infrastructure including health care provision.

Primary care

- 14.4 Primary care services provide the first point of contact in the healthcare system and include general practice, community pharmacy, dental, and optometry (eye health) services. In England, primary care is administered by Clinical Commissioning Groups (CCGs), which replaced Primary Care Trusts (PCTs) in April 2013, or in some cases by NHS England.
- 14.5 The Oxfordshire Clinical Commissioning Group (OCCG) is working on a series of locality plans which set out a vision for the provision of health services in Oxfordshire where patients will receive more care closer to home and be supported out of hospital as much as possible. This work was open to a period of public consultation at the end of 2017.
- 14.6 The 'Locality Place Based Primary Care Plan: West Oxfordshire Locality' (2018) sets out various proposals for changes to the service including improvements to physical infrastructure and services.

- 14.7 Because of the population increases associated with the five strategic development areas allocated in the West Oxfordshire Local Plan, an appropriate financial contribution will be sought through a Section 106 legal agreement where there is insufficient existing capacity in primary care provision to serve the development.
- 14.8 In some cases provision may be sought by way of land and/or buildings where this is associated with one of the strategic allocations to enable the provision of facilities or the upgrading/ extension of existing facilities in the locality. Again this will be secured by way of a Section 106 legal agreement.
- 14.9 Smaller developments will contribute towards primary health care through CIL.

Secondary care

- 14.10 Secondary care services are provided by health professionals through referral. Secondary care services are usually based in a hospital or clinic, though some services may be community based. They may include planned operations, specialist clinics, or rehabilitation services (e.g. physiotherapy).
- 14.11 The NHS aim to increase the commissioning of care types, which have traditionally been provided in acute hospitals, in GP surgeries and other community settings, to improve access for patients.
- 14.12 Financial contributions, and in some cases land, may be sought from the five strategic sites allocated in the West Oxfordshire Local Plan 2031 towards the provision of secondary health care where appropriate and proportionate. Any such provision would be secured by way of a Section 106 legal agreement.
- 14.13 Smaller developments will contribute towards secondary health care through CIL.

Extra care

- 14.14 Extra care housing provides a form of accommodation where adults have access to care and support and this therefore supports primary and secondary care services. This often consists of a complex or cluster of individual homes with immediate access to a range of on-site care options, which can respond flexibly to increasing individual needs.
- 14.15 In addition, Oxfordshire County Council is responsible for adult social care (Community Support Service Centres) and family safeguarding (Children's Homes / Children & Family Centres).
- 14.16 Contributions towards extra care housing, care/nursing homes, adult and social care and family safeguarding (which will be sought from the five strategic allocations) will be negotiated on a case by case basis depending on the need generated and the level of provision already in place within the locality.

Primary and secondary health care: Summary - type of developer contribution to be sought:

The five strategic development areas allocated in the West Oxfordshire Local Plan 2031 (Salt Cross Garden Village formerly known as the Oxfordshire Cotswolds Garden Village, West Eynsham, East Chipping Norton, North Witney and East Witney) will be expected to make a financial contribution towards primary health care. In some cases and where appropriate, provision may be sought by way of land or buildings.

Financial contributions and /or direct provision of land or buildings towards primary health care will be secured through a Section 106 legal agreement.

Where there is an identified need, a financial contribution towards secondary health care provision may also be sought from the five strategic development areas and this will be secured through a Section 106 legal agreement.

Contributions towards extra care housing, care/nursing homes, adult and social care and family safeguarding may be sought from the five strategic allocations and this will be negotiated on a case-by-case basis depending on the need generated and the level of provision already in place within the locality.

All other qualifying development will contribute towards primary and secondary health care through CIL. These CIL receipts will help to fund the provision of health care across the District including where a shortfall of funding secured through planning obligations and/or other sources of funding may exist.

15. Emergency Services

Fire and rescue

- 15.1 New development has the potential to increase fire risk and place additional demands on the fire and rescue service. It is therefore necessary to ensure that appropriate infrastructure is delivered alongside new development.
- 15.2 OCC as the Fire and Rescue Authority has a statutory duty to respond to emergencies and to ensure that all development is provided with adequate water supplies for firefighting under the Fire and Rescue Services Act 2004.
- 15.3 A planning obligation towards new fire service infrastructure facilities may be requested where a specific need arising from a development is identified where this relates to a strategic site allocated within the West Oxfordshire Local Plan 2031. Any contribution will be calculated to be proportionate to the development and will be secured by way of a Section 106 legal agreement.

- 15.4 Contributions may be by way of land provision and/or financial contributions towards new infrastructure including emergency vehicles. The assessment of need for new infrastructure will vary depending on the location of facilities and local response times to deal with emergencies.
- 15.5 New development may require the provision of fire hydrants and associated infrastructure. Where these are required the developer(s) will need to agree a scheme with the Water Authority and County Fire Service and be responsible for funding this. Planning conditions will be used as appropriate.
- 15.6 For further information on developer requirements in relation to Fire and Rescue, please refer to the Oxfordshire County Council's [draft Developer Guide to Infrastructure Contributions](#).
- 15.7 Smaller developments will contribute towards fire and rescue infrastructure through CIL.

Fire and Rescue: Summary - type of developer contribution to be sought:

The five strategic development areas allocated in the West Oxfordshire Local Plan 2031 (Salt Cross Garden Village formerly known as the Oxfordshire Cotswolds Garden Village, West Eynsham, East Chipping Norton, North Witney and East Witney) will be expected to make a financial contribution towards fire and rescue infrastructure. In some cases and where appropriate , provision may be sought by way of land or buildings.

Provision towards fire and rescue will be secured by way of a Section 106 legal agreement. Planning conditions will also be used as appropriate.

All other qualifying development will contribute towards fire and rescue provision through CIL. CIL receipts will be used to fund wider fire and rescue infrastructure improvements across the District including where a shortfall of funding secured through planning obligations and/or other sources of funding may exist.

Policing/community safety

- 15.8 The NPPF requires planning policies and decisions to ensure that crime and disorder (and the fear of crime) does not undermine quality of life or community cohesion. Policies for the layout and design of developments should be informed by the most up-to-date information available from the police and other agencies about the nature of potential threats and their implications. This includes appropriate and proportionate steps, which can be taken to reduce vulnerability, increase resilience and ensure public safety and security (NPPF, pars 91 and 95).
- 15.9 Thames Valley Police (TVP) is responsible for policing the Thames Valley area, which includes West Oxfordshire. TVP set out a list of potential infrastructure requirements relating to proposed growth in West Oxfordshire in 2018. The list included staff equipment, vehicles, Automatic Number Plate Recognition (ANPR) cameras, and premises. TVP also indicated that some of its requirements could be met through the provision of an on-site facility; e.g. space within a community building, or a shared facility with other blue light partners.

- 15.10 A planning obligation towards police service infrastructure may be requested where a specific need arising from a strategic site allocated in the West Oxfordshire Local Plan is identified. The assessment of need for new infrastructure will vary depending on the location of facilities and local response times to deal with emergencies.
- 15.11 Contributions may be by way of land provision and/or financial contributions towards new infrastructure including those listed above and will be secured by way of a Section 106 legal agreement.
- 15.12 Smaller developments will contribute towards police and community safety infrastructure provision through CIL.

Policing/community safety: Summary - type of developer contribution to be sought:

The five strategic development areas allocated in the West Oxfordshire Local Plan 2031 (Salt Cross Garden Village formally known as Oxfordshire Cotswolds Garden Village, West Eynsham, East Chipping Norton, North Witney and East Witney) will be expected to make an appropriate financial contribution towards policing/community safety infrastructure. Provision may be sought by way of land or buildings where appropriate. Any such provision will be secured by way of a Section 106 legal agreement.

All other qualifying development will contribute towards police/ community safety provision through CIL. CIL receipts will be used to fund wider policing/community safety infrastructure across the District including where a shortfall of funding secured through planning obligations and/or other sources of funding may exist.

Ambulance service

- 15.13 West Oxfordshire is covered by the South Central Ambulance Service (SCAS) NHS Foundation Trust. SCAS is a foundation trust of the National Health Service (NHS). It is responsible for providing twenty-four-hour 999 emergency service across the four counties of the South Central Region, including Oxfordshire.
- 15.14 SCAS has ambulance standby points in Witney and Chipping Norton. Standby points are strategically placed locations that enable a rapid response to patients. SCAS have indicated that a potential requirement for additional ambulance standby points across the District may be necessary which could be met through the provision of an on-site facility, shared with other blue light partners such as the police service.
- 15.15 A planning obligation towards ambulance service provision may therefore be requested where a specific need arising from a strategic site allocated in the West Oxfordshire Local Plan is identified. Contributions may be by way of land provision and/or financial contributions towards new infrastructure and will be secured by way of a Section 106 legal agreement.
- 15.16 Smaller developments will contribute towards police and community safety infrastructure provision through CIL.

Ambulance service: Summary - type of developer contribution to be sought:

The five strategic development areas allocated in the West Oxfordshire Local Plan 2031 (Salt Cross Garden Village formally known as Oxfordshire Cotswolds Garden Village, West Eynsham, East Chipping Norton, North Witney and East Witney) will be expected to make an appropriate financial contribution towards ambulance service provision. Provision may be sought by way of land or buildings where appropriate.

Any such provision will be secured by way of a Section 106 legal agreement.

All other qualifying development will contribute towards the ambulance service through CIL. CIL receipts will be used to fund wider ambulance service infrastructure across the District including where a shortfall of funding secured through planning obligations and/or other sources of funding may exist.

16. Employment, skills and training

- 16.1 Paragraphs 80 - 81 of the NPPF sets out the importance of supporting economic growth and productivity and this approach is reflected in the West Oxfordshire Local Plan 2031 which recognises that there is a shortage of workers with technical skills across the area with employers seeking improved 'work readiness' from school leavers.
- 16.2 This is supported further by the Oxfordshire Local Economic Partnership (OxLEP) Strategic Economic Plan 2016 which is committed to increasing the number of apprenticeship and to increase skills in Science, Technology, Engineering and Maths. In addition The Oxfordshire Skills Strategy to 2020 developed by the Skills Board works closely with the LEP. This sets out the strategic priorities necessary to support economic growth to 2020.
- 16.3 WODC is committed to working with Oxfordshire County Council and the Oxfordshire Local Enterprise Partnership (LEP) to help provide opportunities for local people in terms of skills, training and employment and to develop the economy of Oxfordshire. This includes the requirement for Community Employment Plans (CEP) on new development sites, typically consisting of 1,000 dwellings or more and/or 4,000 sqm commercial floorspace. CEP will require the implementation of training initiatives, focusing on opportunities related to the construction phase of development.

Community Employment Plans (CEPs): Summary - type of developer contribution to be sought:

Community Employment Plans (CEP) will be sought through a Section 106 legal agreement or planning conditions in respect of residential developments consisting of 1,000 or more dwellings and commercial developments of 4,000 sqm or more.

The Council will also potentially consider using a proportion of its CIL receipts to fund wider learning and skills opportunities across the District.

17. Waste and recycling/waste management

- 17.1 Paragraph 8 of the NPPF highlights environmental objectives which includes the need to minimise waste and pollution.
- 17.2 The Waste (England and Wales) Regulations 2011 requires local authorities to manage waste. WODC is responsible for the collection of waste and recycling from domestic properties as the waste collection authority (WCA). WODC also provides all street cleansing services, including the provision of litter and fido bins.
- 17.3 OCC is the Waste Disposal Authority (WDA) and is responsible for disposing of the waste that is collected by the District Councils, as well as having a duty to provide facilities for residents to deposit their household waste.

On-site waste provision

- 17.4 WODC has prepared a guidance document entitled '[Requirements for refuse and recycling provision at new developments](#)'. This document aims to help developers by giving them the information they need to be able to provide refuse and recycling areas for new and existing dwellings. The Council will seek a planning condition and/ or financial contribution for the provision of recycling/refuse containers on all residential developments where additional units are created in line with this guidance document.

Off-site waste provision

- 17.5 Where appropriate, the County Council will require developers to mitigate the impact of a development on Household Waste Recycling Centre (HWRC) sites by paying a financial contribution towards the cost of providing a new HWRC site that will serve the development. This will be secured by way of a Section 106 legal agreement.
- 17.6 The calculation for any S106 contribution will be based on:
- The cost of increasing the required total HWRC network acreage;
 - The cost of increasing the building and hard infrastructure footprint costs;
 - The total number of new dwellings proposed across Oxfordshire that are contributing to the increase in waste.
- 17.7 Such a requirement is most likely to apply to larger residential development proposals of more than 10 dwellings but developers should liaise with OCC at an early stage (preferably at the pre-application stage) to understand any likely requirements.
- 17.8 Please refer to the Oxfordshire County [draft Council's Developer Guide to Infrastructure Contributions](#) for further information regarding the County Council's requirements.

Waste and recycling/waste management: Summary - type of developer contribution to be sought:

The provision of on-site recycling/ refuse containers and any associated facilities to serve all residential developments will be secured via a planning condition and/or Section 106 Agreement.

Where necessary, directly, fairly and reasonably related in scale and kind to the development, larger residential proposals of more than 10 homes will be expected to make an appropriate financial contribution towards off-site waste recycling and management infrastructure including household waste recycling centre (HWRC) sites. This will be secured by way of a Section 106 legal agreement.

18. Utilities

- 18.1 The NPPF requires Local Planning Authorities to work in liaison with other authorities and providers to assess the quality and capacity of a range of infrastructure including utilities and telecommunication infrastructure.
- 18.2 Funding for utilities at a strategic level is usually provided by the respective utilities company through their Asset Management Plans (AMPs). Each AMP identifies the capital investment which the undertaker has committed to make over the next five or ten years. Utility providers can use revenue from customer charges to fund the provision of strategic infrastructure. However utility providers may refuse to cover all the costs associated with some strategic infrastructure, if they are deemed to be excessive. In these cases developer contributions may be necessary.
- 18.3 Connection of developments to the non-strategic mains is not included in AMPs. Individual development proposals should provide the funding required to secure new utility services from a point of connection to the relevant site boundary, together with the delivery of on-site supplies. This will normally be secured through either planning conditions or a planning obligation where necessary.
- 18.4 Developers should work in partnership with utility providers to ensure adequate capacity of utilities such as gas, electricity, water supply and waste water treatment to serve a development. There may be some site specific requirements for larger sites depending on their scale, location and nature. Therefore the developer should liaise with utility providers at the pre-application stage to identify any capacity issues and how these can be met.
- 18.5 In respect to telecommunications, paragraph 112 of the NPPF requires Council's to prioritise full fibre connections to existing and new developments. The vital need for high quality telecommunication infrastructure has become particularly apparent in 2020 due to the

Covid-19 pandemic which has changed the way we work and communicate and this will have a lasting impact.

- 18.6 It is important for developers to liaise with the Council at an early stage to secure the provision of the necessary ducting and chambers throughout their developments to facilitate the provision of full fibre to each property. This will normally be secured through planning conditions or obligations where necessary.

Utilities: Summary - type of developer contribution to be sought:

For larger residential proposals of more than 10 homes, where necessary, directly, fairly and reasonably related in scale and kind to the development, the provision of infrastructure for utilities which is not funded by utility providers will be secured through planning conditions or a Section 106 legal agreement as appropriate.

Infrastructure required to facilitate full fibre connections to new development, including the necessary ducting and chambers, will be secured through planning conditions or a Section 106 legal agreement as appropriate.

Part 4 - Specific Procedural matters

19. Legal and Administration Fees

- 19.1 Applicants will be required to pay the District Council's legal costs incurred in drafting and completing any Section 106 legal agreement. The Council's legal costs will be charged at an hourly rate and will become payable upon completion of the agreement. The Council's Solicitor will require an undertaking from the solicitor acting on behalf of the applicant to pay the Council's legal costs, whether or not the agreement is completed.
- 19.2 For large scale agreements periodic payment of legal costs may be required. The amount will inevitably vary depending on the nature and complexity of the agreement. The Council will monitor all planning obligations and fees may be charged to undertake this work.
- 19.3 Unilateral undertakings will be subject to an administration charge to cover legal costs and the transfer of money to third parties where necessary.
- 19.4 Please note that financial contributions payable to Oxfordshire County Council will be subject to a different process and developers should refer to OCC's draft Developer Guide or contact the Oxfordshire County Council Infrastructure Funding Team for further information.

20. Timing / phasing of payments

Section 106 legal agreements

- 20.1 The Council will require financial contributions to be paid prior to the implementation of planning permission or as otherwise agreed as part of a programme of staged payments (e.g. affordable housing financial contributions which are deferred until completion of the development). Legal costs and administration charges will need to be paid prior to the completion of the agreement unless otherwise agreed in writing by the Council.
- 20.2 At least 21 days prior to reaching a payment/ trigger date as specified in the agreement, the developer should notify the Council of their intention to pay the financial contribution.
- 20.3 The Council will calculate the total financial contribution payable including interest and/ or indexation which will be made available to the developer. This calculation will be valid for 14 days from the date of issue unless otherwise agreed in writing.
- 20.4 The Council will issue an invoice to the developer once the total contribution payable has been agreed and this will be subject to the Council's standard payment terms. All payments must be accompanied by a valid invoice.
- 20.5 On receipt, financial contributions will be transferred to the relevant internal department or third party such as Oxfordshire County Council or a parish council who is responsible for spending the contribution. Payments made to Oxfordshire County Council will be subject to a different process as set out in OCC's draft Developer Guide to Infrastructure Delivery and Contributions.

- 20.6 All receipts and spending of financial contributions will be recorded and monitored by the Council and as of December 2020 will be reported annually through the Council's Infrastructure Funding Statement (IFS).

CIL

- 20.7 The CIL payment procedure is summarised in Section 5 and Figure 2. Once CIL is in place and being charged in West Oxfordshire, receipts will also be set out in the Council's Infrastructure Funding Statement (IFS) together with the infrastructure types/projects that the Council proposes to put its CIL receipts towards.

21. Indexation

- 21.1 It is appropriate for financial contributions secured through a planning obligation to be indexed so they retain their original value. The base date and index (normally index-linked to inflation) will be detailed within the legal agreement.
- 21.2 Payments will be subject to an inflation factor (normally RPI or CPI) which will be adjusted according to the fluctuations between the date of the obligation and the quarter period in which payment is due to the Council. Please be aware that payments made to Oxfordshire County Council may be subject to different measures of inflation.

22. Interest on late payments

- 22.1 At least 21 days prior to reaching a payment/ trigger date as specified in the agreement, the developer should notify the Council of their intention to pay the financial contribution. After the payment/ trigger date has elapsed, interest will be charged at a rate of 4% above the standard base rate, unless otherwise stated in the planning obligation. The developer may also be liable to additional monitoring and enforcement costs as a result of late payment.
- 22.2 The Council will calculate the total financial contribution payable including interest and/ or indexation which will be made available to the developer. This calculation will be valid for 14 days from the date of issue unless otherwise agreed in writing. If this has not been paid within the agreed time period and the calculations are shown to be correct following the resolution of any dispute, then late payment interest will be charged at rate of 4% above the standard base rate.

23. Monitoring and enforcement

- 23.1 The Council monitors all Planning Obligations and will work in collaboration with developers to help deliver financial contributions and other obligations on-time. In order to undertake

this work, monitoring fees may be charged. Once CIL is in place, the Council will use a proportion of its CIL receipts in respect of the administration of CIL.

- 23.2 Where there is evidence of non-compliance with a planning obligation, the Council will instruct the Council's Legal Team to take appropriate action to secure compliance. The Council will aim to recover all reasonable administration costs incurred which may include administration, correspondence and site visits. Non-compliance with a planning obligation could include failure to comply with the obligation, failure to notify the Council of a due payment and non-payment.
- 23.3 Where it is clear that matters within a planning obligation are not being complied with, the Council's Legal Team will be instructed to take appropriate action to secure compliance which may include seeking a court injunction where appropriate.

24. Dispute resolution

- 24.1 The Town and Country Planning Act 1990 (as amended) gives the Secretary of State the power to appoint someone to resolve issues that are holding up the completion of a planning obligation.

Appendix 1 - Summary table of developer contributions by type

Contribution to be sought	Relevant thresholds/requirements	Primary mechanism/s to be used	Comments/notes
Affordable Housing	<p>Market housing schemes of 6-10 units and which have a maximum combined gross floorspace of no more than 1,000 sq.m within the Cotswolds AONB are required to make a financial contribution towards the off-site provision of affordable housing.</p> <p>The current rate is £100 per sq.m based on the Gross Internal Area (GIA) of the market homes proposed.</p> <p>In respect of larger market housing schemes of 11 or more units or which have a maximum combined gross floorspace of more than 1,000 sq.m, a proportion of new affordable homes will be sought 'on-site' according to location with 50% in the high value zone, 40% in the medium value zone and 35% in the lower value zone.</p> <p>For extra-care housing a reduced requirement will apply according to location (45%, 35% and 10% in the high, medium and lower value zones respectively).</p>	Section 106 legal agreement	The figure of £100 per sq.m for off-site payments for qualifying schemes within the Cotswolds AONB will be kept under review by the District Council.
Custom/self-build housing	<p>Larger residential schemes of 100 or more homes will be expected to make 5% of the residential plots, serviced and available for the purposes of custom and self-build housing.</p> <p>Other smaller schemes may be promoted as self/custom-build opportunities and will be secured as such through an appropriate planning obligation or planning condition.</p>	<p>Section 106 legal agreement</p> <p>Section 106 legal agreement or planning condition</p>	
Education	Larger residential schemes of more than 10 homes will	Section 106 legal agreement	The District Council will

Contribution to be sought	Relevant thresholds/requirements	Primary mechanism/s to be used	Comments/notes
	<p>be expected to contribute towards educational facilities and associated infrastructure, including the provision of land where appropriate and extensions to existing facilities.</p> <p>Any such contribution will be considered on a case by case basis and will be calculated and agreed in accordance with the procedures and requirements of Oxfordshire County Council as the local education authority.</p> <p>For new schools, any S106 contribution will be considered on a case by case basis and the cost of each project to provide additional capacity may differ. The contributions sought are based on a common base for the construction of a new school or extension.</p> <p>For the expansion of existing schools, the level of contribution will be calculated based on the anticipated pupil generation from the development set against standard £/per pupil rates, or where feasibility work studies have been carried out estimated cost of the expansion.</p>		<p>potentially consider using a proportion of its CIL receipts to support the provision of education improvements across the District including where a shortfall of funding secured through planning obligations and/or other sources of funding may exist.</p>

Contribution to be sought	Relevant thresholds/requirements	Primary mechanism/s to be used	Comments/notes
Highways and access improvements	<p>Larger residential schemes of more than 10 homes will be expected to contribute towards/provide necessary highway and access improvements as appropriate either directly or through a financial contribution.</p> <p>The amount/nature of any contribution will be considered on a case by case basis and will be agreed with Oxfordshire County Council as the local highway authority.</p>	Section 106 and/or Section 278 legal agreement	The District Council will potentially consider using a proportion of its CIL receipts to support the provision of wider highway and access improvements across the District including where a shortfall of funding secured through planning obligations and/or other sources of funding may exist.
Public transport	<p>Larger residential schemes of more than 10 homes will be expected to provide or contribute towards the provision of improvements to public transport as appropriate.</p> <p>The amount/nature of any contribution will be considered on a case by case basis and will be agreed with Oxfordshire County Council as the local highway authority.</p> <p>In some areas, the County Council has formulae for contributions based on the need for improving bus services due to various developments in those areas and advice on this will be given at pre-application and application stages as appropriate.</p>	Section 106 and/or Section 278 legal agreement	The District Council will potentially consider using a proportion of its CIL receipts to support the wider provision of improved public transport across the District including where a shortfall of funding secured through planning obligations and/or other sources of funding may exist.

Contribution to be sought	Relevant thresholds/requirements	Primary mechanism/s to be used	Comments/notes
Healthy and Active Travel	<p>Larger residential schemes of more than 10 homes will be expected to contribute towards/provide improvements to promote active travel.</p> <p>The amount/nature of any contribution will be considered on a case by case basis and will be agreed with Oxfordshire County Council as the local highway authority.</p>	Section 106 and/or Section 278 legal agreement	The District Council will potentially consider using a proportion of its CIL receipts to support the provision of new and improved active travel opportunities across the District including where a shortfall of funding secured through planning obligations and/or other sources of funding may exist.
Travel Plan	<p>Generally applies to larger residential schemes of more than 10 homes and larger commercial developments in accordance with thresholds defined by Oxfordshire County Council as the local highway authority. See summary of travel plan threshold and monitoring fees.</p>	<p>Planning condition</p> <p>Depending on the size of development, a financial contribution may also be secured through a Section 106 legal agreement in respect of ongoing travel plan monitoring arrangements.</p>	The District Council will potentially consider using a proportion of its CIL receipts to support the promotion of more sustainable and low-carbon travel including for example the establishment of car-clubs and bike hire schemes.
Indoor sport and leisure facilities	<p>Larger residential developments of more than 500 homes will be expected to provide indoor sport and leisure facilities as part of the development. Where this is not feasible or desirable, an appropriate financial contribution will be sought.</p> <p>For smaller residential schemes of more than 10 new homes, where there is a demonstrable need, financial contributions towards new and enhanced indoor sport and leisure facilities off-site will be sought.</p>	Section 106 legal agreement	The District Council will potentially consider using a proportion of its CIL receipts to support the provision of new and improved indoor sport and leisure facilities across the District including where a shortfall of funding secured through planning obligations and/or other sources of funding may exist.

Contribution to be sought	Relevant thresholds/requirements	Primary mechanism/s to be used	Comments/notes
Outdoor Sports	<p>For larger residential developments of more than 50 homes, the District Council will seek to secure the provision of new outdoor sports facilities as part of the development. Where this is not feasible or desirable, an appropriate financial contribution will be sought.</p> <p>For smaller residential schemes of 11 – 50 homes, where there is a demonstrable need, financial contributions towards new and enhanced outdoor sports facilities off-site will be sought.</p> <p>Pending completion of the District Council's forthcoming Playing Pitch Strategy in 2021, the Fields in Trust benchmark standard of 1.6 ha per 1,000 population will be used as the minimum, quantitative basis for provision, calculated on a pro-rata basis as appropriate.</p>	Section 106 legal agreement.	The District Council will potentially consider using a proportion of its CIL receipts to support the provision of new and improved outdoor sports facilities across the District including where a shortfall of funding secured through planning obligations and/or other sources of funding may exist.
Play Areas	<p>For larger residential developments of 11 – 200 homes the Council will seek to secure an on-site Local Area for Play (LAP) and/or Local Equipped Area for Play (LEAP) as part of the development, based on a quantitative requirement of at least 0.25 ha per 1,000 population.</p> <p>For larger residential developments of more than 200 homes, the Council will seek to secure a Multi-Use Games Area (MUGA) as part of the development based on a quantitative requirement of at least 0.3 ha per 1,000 population.</p> <p>For very large residential schemes of more than 500</p>	Section 106 legal agreement	The District Council will potentially consider using a proportion of its CIL receipts to support the provision of new and improved play areas across the District including where a shortfall of funding secured through planning obligations and/or other sources of funding may exist.

Contribution to be sought	Relevant thresholds/requirements	Primary mechanism/s to be used	Comments/notes
	<p>homes, the Council will seek to secure a Neighbourhood Equipped Area for Play (NEAP) as part of the development based on a quantitative requirement of at least 0.25 ha per 1,000 population.</p> <p>Where on-site provision is not feasible or desirable, an appropriate financial contribution will be sought.</p> <p>In some instances, a combination of on-site provision and a financial contribution towards off-site provision may be acceptable.</p>		
Allotments and other community growing space	<p>In respect of Salt Cross Garden Village and the West Eynsham SDA, the Council will seek to secure the provision of on-site allotments/community growing space based on an indicative quantitative requirement of at least 0.39 hectares per 1,000 people including 0.3 ha/1,000 for allotments and 0.09 for community orchards and other community growing space.</p> <p>In respect of the East Witney SDA, the North Witney SDA, the East Chipping Norton SDA and all other large housing schemes of more than 50 homes, the Council will seek to secure the provision of on-site allotments or other community growing space based on a quantitative requirement of at least 0.3 ha per 1,000 people.</p> <p>Where on-site provision is demonstrably not feasible, an appropriate financial contribution will be sought.</p> <p>In some instances, a combination of on-site provision</p>	Section 106 legal agreement	The District Council will potentially consider using a proportion of its CIL receipts to support the provision of new and improved allotments and community growing space across the District.

Contribution to be sought	Relevant thresholds/requirements	Primary mechanism/s to be used	Comments/notes
	and a financial contribution towards off-site provision may be acceptable.		

Contribution to be sought	Relevant thresholds/requirements	Primary mechanism/s to be used	Comments/notes
Public Rights of Way	<p>All development which will impact on an existing right of way will be required to mitigate the impacts to protect existing countryside access.</p> <p>Where necessary, directly, fairly and reasonably related in scale and kind to the development, a financial contribution will be sought as appropriate.</p>	Section 106 legal agreement.	The District Council will also potentially consider using a proportion of its CIL receipts to support the provision or enhancement of public rights of way across the District.
Biodiversity	<p>All development will be expected to incorporate on-site mitigation and enhancement measures as appropriate.</p> <p>Where it is not possible to achieve adequate on-site mitigation or compensation, a financial contribution will be sought for off-site measures to adequately offset the impact of the development.</p>	<p>Planning condition</p> <p>Section 106 legal agreement</p>	The District Council will also potentially consider using a proportion of its CIL receipts to support the provision of biodiversity enhancements across the District including where a shortfall of funding secured through planning obligations and/or other sources of funding may exist.
Air Quality	Residential developments of more than 10 homes and larger non-residential developments of more than 1,000 sq.m which would demonstrably increase vehicular movements within an AQMA, will be required to make an appropriate financial contribution towards measures to offset increases in local pollutant emissions.	Section 106 legal agreement	The District Council will potentially consider using a proportion of its CIL receipts to support the provision of air quality improvements in key locations across the District including where a shortfall of funding secured through planning obligations and/or other sources of funding may exist.

Contribution to be sought	Relevant thresholds/requirements	Primary mechanism/s to be used	Comments/notes
Flood risk, water management and sustainable drainage	<p>Where necessary, directly, fairly and reasonably related in scale and kind to the development, a financial contribution will be sought towards, the Council will seek to secure on-site flood risk management and associated drainage infrastructure, including the provision of land where appropriate.</p> <p>Off-site flood risk management and drainage infrastructure necessary to support a development will be sought as appropriate.</p> <p>The effective maintenance of on and off-site flood risk management and drainage infrastructure will be secured as appropriate.</p>	<p>On-site provision to be secured through a Section 106 legal agreement or planning condition.</p> <p>Off-site provision to be secured through a Section 106 legal agreement.</p> <p>Maintenance arrangements to be secured through a Section 106 legal agreement.</p>	The District Council will potentially consider using a proportion of its CIL receipts to provide flood risk, water management and sustainable drainage improvements across the District.
Archaeology	Developers will be required to mitigate and protect archaeological assets which will be affected by development, both within the site boundary and off-site.	Planning condition.	
Public Realm and Public Art	The provision and maintenance of public realm improvements and public art will be sought as part of the five strategic site allocations within the West Oxfordshire Local Plan 2031 and larger residential developments of more than 50 homes.	Section 106 legal agreement or planning condition.	The District Council will also potentially consider using a proportion of its CIL receipts to fund public realm improvements and public art across the District.

Contribution to be sought	Relevant thresholds/requirements	Primary mechanism/s to be used	Comments/notes
Community Facilities	<p>New community facilities will be sought on-site as an integral part of all strategic site allocations within the West Oxfordshire Local Plan 2031.</p> <p>The Council will also consider on a case-by-case basis whether there is a demonstrable need for the on-site provision of community facilities in smaller developments of more than 100 homes, particularly to take account of any cumulative impact of growth in the area or to address a specific need e.g. specialist housing provision.</p> <p>Where new development gives rise to a need for additional community space but not a new freestanding facility, a financial contribution will be sought towards off-site provision such as the improvement/upgrade of existing facilities where appropriate</p>	Section 106 legal agreement.	The District Council will potentially consider using a proportion of its CIL receipts to fund the enhancement and provision of community facilities across the District.
Community Services (libraries, museums, adult and children support services)	<p>The five strategic development areas allocated in the West Oxfordshire Local Plan 2031 will be expected to make a financial contribution towards the provision and enhancement of community services.</p> <p>All other qualifying development will contribute towards community services through CIL.</p>	<p>Section 106 legal agreement where this relates to the five Strategic Development Areas.</p> <p>CIL will be the main mechanism for all other development.</p>	

Contribution to be sought	Relevant thresholds/requirements	Primary mechanism/s to be used	Comments/notes
Burial Space	The five strategic site allocations set out in the West Oxfordshire Local plan 2031 and larger residential developments of more than 50 dwellings will be expected to make a contribution towards burial space capacity either through the direct provision of land, where appropriate and suitable, or through a financial contribution.	Section 106 legal agreement and/or planning condition.	The Council will potentially consider using a proportion of its CIL receipts to fund additional burial capacity across the District.
Primary and Secondary Health Care	<p>The five strategic sites allocated in the West Oxfordshire Local Plan will be expected to make an appropriate financial contribution towards primary health care. Provision may be sought by way of land or buildings where appropriate.</p> <p>Where there is an identified need, a financial contribution towards secondary health care provision may also be sought from the five strategic sites allocated in the Local Plan.</p> <p>Contributions towards extra care housing, care/nursing homes, adult and social care and family safeguarding may be sought from the five strategic allocations and will be negotiated on a case-by-case basis depending on the need generated by a development and the level of provision already in place within the locality.</p> <p>All other qualifying development will contribute towards health care provision through CIL.</p>	<p>Section 106 legal agreement where this relates to the five Strategic Development Areas.</p> <p>CIL will be the main mechanism for all other development.</p>	

Contribution to be sought	Relevant thresholds/requirements	Primary mechanism/s to be used	Comments/notes
Fire and Rescue	<p>The five strategic sites allocated in the West Oxfordshire Local Plan will be expected to make an appropriate financial contribution towards fire and rescue infrastructure. Provision may be sought by way of land or buildings where appropriate.</p> <p>All other qualifying development will contribute towards fire and rescue through CIL.</p>	<p>Section 106 legal agreement and/or planning condition where this relates to the five Strategic Development Areas.</p> <p>CIL will be the main mechanism for all other development.</p>	
Policing/community safety	<p>The five strategic sites allocated in the West Oxfordshire Local Plan will be expected to make an appropriate financial contribution towards policing/community safety infrastructure. Provision may be sought by way of land or buildings where appropriate.</p> <p>All other qualifying development will contribute towards policing/ community safety through CIL.</p>	<p>Section 106 legal agreement where this relates to the five Strategic Development Areas.</p> <p>CIL will be the main mechanism for all other development.</p>	
Ambulance Service	<p>The five strategic sites allocated in the West Oxfordshire Local Plan will be expected to make an appropriate financial contribution towards the ambulance service. Provision may be sought by way of land or buildings where appropriate.</p> <p>All other qualifying development will contribute towards the ambulance service through CIL</p>	<p>Section 106 legal agreement where this relates to the five Strategic Development Areas.</p> <p>CIL will be the main mechanism for all other development.</p>	

Contribution to be sought	Relevant thresholds/requirements	Primary mechanism/s to be used	Comments/notes
Community Employment Plans (CEPs)	Community Employment Plans (CEP) will be sought in respect of residential developments consisting of 1,000 or more dwellings and commercial developments of 4,000 sqm or more.	Section 106 legal agreement and/or planning condition.	The Council will potentially consider using a proportion of its CIL receipts to fund wider learning and skills opportunities across the District.
Waste and recycling/waste management	<p>The provision of on-site recycling/ refuse containers and any associated facilities to serve all residential developments will be secured via a planning condition and/or Section 106 Agreement.</p> <p>Larger residential proposals of more than 10 homes will be expected to make an appropriate financial contribution towards off-site waste recycling and management infrastructure including household waste recycling centre (HWRC) sites.</p>	<p>The provision of any on-site waste storage facilities associated with all development will be secured via a planning condition and/or legal agreement.</p> <p>Section 106 legal agreement.</p>	
Utilities	<p>For larger residential proposals of more than 10 homes, where necessary, directly, fairly and reasonably related in scale and kind to the development, the provision of infrastructure for utilities which is not funded by utility providers will be secured through planning conditions or a Section 106 legal agreement as appropriate.</p> <p>Infrastructure required to facilitate full fibre connections to new development, including the necessary ducting and chambers, will be sought as appropriate.</p>	Section 106 legal agreement and/or planning condition.	

Appendix 2 - Summary table of developer contributions by anticipated mechanism

Item	Section 106 agreement	Section 278 agreement	CIL	Planning Condition
Affordable Housing on-site (where applicable)	✓			
Affordable Housing off-site financial contribution (where applicable)	✓			
Custom/self-build housing – 5% provision on sites of 100 or more homes	✓			
Custom/self-build housing – other smaller schemes put forward for the express purpose of custom/self-build	✓			✓
Education provision - both on-site and off-site through an appropriate financial contribution	✓		The District Council will also potentially consider using a proportion of its CIL receipts.	
Highways and access improvements both on-site and off-site through an appropriate financial contribution	✓	✓	The District Council will also potentially consider using a proportion of its CIL receipts.	
Public transport provision both on-site and off-site through an appropriate financial contribution	✓	✓	The District Council will also potentially consider using a proportion of its CIL receipts.	

Item	Section 106 agreement	Section 278 agreement	CIL	Planning Condition
Healthy and active travel provision both on-site and off-site through an appropriate financial contribution	✓	✓	The District Council will also potentially consider using a proportion of its CIL receipts.	
Travel Plan	✓		The District Council will also potentially consider using a proportion of its CIL receipts.	✓
Indoor sport and leisure facilities both on-site and off-site through an appropriate financial contribution	✓		The District Council will also potentially consider using a proportion of its CIL receipts.	
Outdoor sports both on-site and off-site through an appropriate financial contribution	✓		The District Council will also potentially consider using a proportion of its CIL receipts.	
Play areas both on-site and off-site through an appropriate financial contribution	✓		The District Council will also potentially consider using a proportion of its CIL receipts.	
Allotments and other community growing space both on-site and off-site through an appropriate financial contribution	✓		The District Council will also potentially consider using a proportion of its CIL receipts.	
Other Green Space both on-site and off-site through an appropriate financial contribution	✓		The District Council will also potentially consider using a proportion of its CIL receipts.	

Item	Section 106 agreement	Section 278 agreement	CIL	Planning Condition
Public Rights of Way – mitigation of potential impacts of development both on-site and off-site through an appropriate financial contribution	✓		The District Council will also potentially consider using a proportion of its CIL receipts.	
Biodiversity mitigation and enhancement both on-site and off-site through an appropriate financial contribution	✓		The District Council will also potentially consider using a proportion of its CIL receipts.	✓
Air Quality – contribution towards measures to offset increases in pollutants	✓		The District Council will also potentially consider using a proportion of its CIL receipts.	
Flood risk, water management and sustainable drainage both on-site and off-site through an appropriate financial contribution including maintenance	✓		The District Council will also potentially consider using a proportion of its CIL receipts.	✓
Archaeology – mitigation of potential impacts as appropriate				✓
Public Realm and Public Art both on-site and off-site through an appropriate financial contribution	✓		The District Council will also potentially consider using a proportion of its CIL receipts.	✓
Community facilities both on-site and off-site through an appropriate financial contribution	✓		The District Council will also potentially consider using a proportion of its CIL receipts.	

Item	Section 106 agreement	Section 278 agreement	CIL	Planning Condition
Community Services (libraries, museums, adult and children support services)	✓		✓	
Burial space both on-site and off-site through an appropriate financial contribution	✓		The District Council will also potentially consider using a proportion of its CIL receipts.	✓
Primary and Secondary Health Care both on-site and off-site through an appropriate financial contribution	✓		✓	
Fire and rescue both on-site and off-site through an appropriate financial contribution	✓		✓	✓
Policing /community safety both on-site and off-site through an appropriate financial contribution	✓		✓	
Ambulance service both on-site and off-site through an appropriate financial contribution	✓		✓	
Community Employment Plans (CEPs)	✓		The District Council will also potentially consider using a proportion of its CIL receipts.	✓

Item	Section 106 agreement	Section 278 agreement	CIL	Planning Condition
Waste and recycling/waste management - provision of on-site recycling/ refuse containers and any associated facilities and financial contribution towards off-site waste recycling and management infrastructure	✓			✓
Utilities - provision of infrastructure for utilities which is not funded by utility providers	✓			✓