

West Oxfordshire District Council

# Developer Contributions Supplementary Planning Document (SPD)

*July 2023*



WEST OXFORDSHIRE  
DISTRICT COUNCIL

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# Part I – About Developer Contributions

## I. Introduction

- 1.1 Developer contributions are provided in order to mitigate the impact of new development. Typical examples include the provision of green space, school places and transport improvements. Such contributions are also sometimes referred to as planning obligations.
- 1.2 This is reflected in Policy OS5 of the West Oxfordshire Local Plan which expects new development to deliver, or contribute towards the timely provision of essential supporting infrastructure.
- 1.3 There are several forms of developer contributions and the purpose of this Supplementary Planning Document (SPD) is to explain what those are and more specifically, what contributions are likely to be sought in West Oxfordshire. (For a quick reference guide to these potential requirements, please refer to Appendix I – page 64).
- 1.4 It should be noted that SPDs build upon and provide more detailed advice/guidance on policies in an adopted Local Plan. As they do not form part of the development plan, they cannot introduce new policies but they are a material consideration in decision-making.
- 1.5 This SPD is aimed at a broad audience including landowners and developers, statutory providers, partners, stakeholders, service providers, Town and Parish Councils and the local community.
- 1.6 It has been developed following two periods of public consultation in November 2020 and October 2022. A consultation summary report has been published separately to show how the comments raised at each stage have been taken into account.
- 1.7 The SPD should be read in conjunction with the [West Oxfordshire Local Plan 2031](#), the [West Oxfordshire Infrastructure Delivery Plan](#) (IDP) and Oxfordshire County Council's [Developer Guide to Infrastructure Delivery and Contributions](#) (April 2021).
- 1.8 It also helps to support the new Council Plan which aims to enable a good quality of life for all by supporting a vibrant local economy, homes and infrastructure that meet people's needs, excellent health and wellbeing, tackling the climate emergency and ensuring equal access to opportunity for all.
- 1.9 As the District Council is in the process of updating its Local Plan and introducing CIL, the SPD is likely to be updated at some point in the future to reflect any new policies/charges and supporting evidence.
- 1.10 More general information on developer contributions is set out in the Government's Planning Practice Guidance on [Planning Obligations](#) and the [Community Infrastructure Levy](#) (CIL).

## 2. What are developer contributions?

2.1 Developer contributions are made by a developer to mitigate the impact of a proposed development. They can be provided directly, such as a new area of green space provided within a housing scheme, or through a financial contribution e.g. a payment towards increasing the capacity of a local school.

2.2 The main types of developer contributions include:

- Section 106 agreements
- Section 278 agreements
- Community Infrastructure Levy (CIL)

2.3 These are briefly summarised below.

### Section 106 Agreements

2.4 A Section 106 agreement<sup>2</sup> is a legally binding deed entered into by a developer to mitigate the impact of a proposed development. Often these deeds address items such as the provision of new affordable homes, sports, leisure and play facilities, education, transport and health.

2.5 Generally speaking, S106 agreements are only used in relation to larger development proposals (typically 10 or more homes) because of their greater impact.

2.6 Importantly, S106 agreements are focused on site-specific mitigation and must meet three key tests<sup>3</sup>. 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.

### Section 278 Agreements

2.7 Section 278 agreements<sup>4</sup> are made between the highway authority (Oxfordshire County Council) and a third party to deliver improvements to the existing public highway such as the construction of a new access, junction improvements and traffic calming measures.

2.8 The general process for S278 agreements is similar to that for a Section 106 agreement although led by the County Council, with more limited scope for negotiation. Such agreements normally cover details of the works including an agreed design, details of how this will be managed, a programme of works and commuted sums and bonds.

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Referred to as Section 106 agreements because they stem from Section 106 of the Town and Country Planning Act 1990

3

In accordance with Regulation 122 of the Community Infrastructure Levy (CIL) Regulations (as amended)

4

Stems from Section 278 of the Highways Act 1980

- 2.9 Trigger points for entering into or completing a Section 278 agreement will often be specified as part of a Section 106 agreement. Like S106 agreements, Section 278 agreements generally relate to larger developments.

### *Community Infrastructure Levy (CIL)*

- 2.10 CIL is an optional charge which local authorities can choose to impose on new development to help fund new and enhanced infrastructure. Unlike Section 106 agreements which tend to focus on larger developments and address site-specific matters, CIL can be sought from much smaller developments and can be spent more generally on infrastructure across a wider area.
- 2.11 Subject to viability evidence, different CIL rates can be charged based on the location, type and scale of development.
- 2.12 As CIL is optional, it only applies in areas where the Council has an adopted charging schedule in place setting out the agreed rate/s. CIL is not currently in place in West Oxfordshire although it is envisaged that consultation on a new draft CIL charging schedule will take place later in 2023.

### *Planning Conditions*

- 2.13 Local authorities can also mitigate the impact of new development and enhance quality through the use of appropriate planning conditions. These typically cover required standards, further details, timeframes and works that must be carried out at prescribed stages.
- 2.14 When used properly, planning 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 effects<sup>5</sup>. Planning conditions should be kept to a minimum and only imposed where they are *'necessary, relevant, enforceable, precise and reasonable'*.

## *How do Section 106 agreements, Section 278 agreements, CIL and planning conditions relate to each other?*

2.15 The various mechanisms outlined above are intended to co-exist and complement each other because they all do slightly different things.

2.16 In summary:

- Planning conditions are attached to a planning permission to help mitigate and enhance the quality of development;
- Section 106 agreements tend to be used on larger developments and stipulate certain requirements to help mitigate the impact of the development, focusing on site-specific matters such as the provision of affordable housing and new green space;
- Section 278 agreements focus specifically on improvements to the public highway;
- CIL is an optional charge which only applies where a charging schedule has been adopted. It is more 'general' in the sense that it is not tied to a particular development and can be spent on various projects over a wide area. It can also be sought from smaller developments subject to certain exemptions (e.g. self/custom-build housing).

2.17 As such, it is quite possible for a proposed development to be subject to all of these mechanisms or just some of them. This will depend on a number of factors including the type, size and impact of development and whether CIL is in place.



**Figure 1 – Illustration of the different types of developer contribution and use of planning conditions**



### **Community Infrastructure Levy (CIL)**

CIL payments can be collected and used for any infrastructure that is needed to support development across the District. It does not need to be directly related to a particular development. The Council cannot however spend CIL on affordable housing.



### **Section 106 Agreements**

Used to secure specific on-site infrastructure and off site infrastructure which is required to mitigate the direct impacts of a development, across the District. Must meet three tests i.e. necessary to make development acceptable in planning terms; directly related to the development and fairly and reasonably related in scale and kind. Should only be used where it is not possible to address unacceptable impacts through a planning condition.



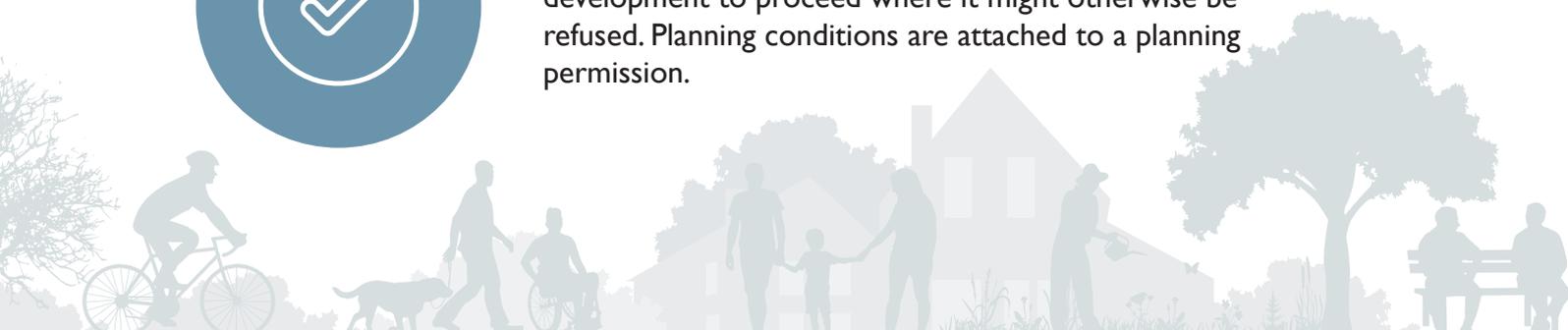
### **Section 278 Agreements**

Section 278 agreements allow alterations and improvements to the public highway to be funded through development in order to mitigate the impact of new development on the highway network, across the District. Often secured through a planning condition.



### **Planning Conditions**

Can be used to mitigate against the potential adverse effects of proposed development and to allow development to proceed where it might otherwise be refused. Planning conditions are attached to a planning permission.



# Part 2 - What developer contributions will be sought in West Oxfordshire?

## 3. What developer contributions will be sought in West Oxfordshire?

3.1 Here we explain the main types of developer contributions that will be sought in West Oxfordshire, with cross-references to relevant national and local policy provided as appropriate.

3.2 The potential contributions are set out under the following headings:

- Affordable Housing
- Custom and Self-Build Housing
- Education
- Transport and Movement
- Sport and Leisure
- The Environment
- Community and Culture
- Health and Social Care
- Emergency Services
- Employment, Skills and Training
- Waste and Recycling/Waste Management
- Utilities

3.3 It should be noted that infrastructure related to topics such as climate change and healthy place shaping can be cross-cutting, with contributions helping to support the health and well-being of our local communities as well as tackling the climate and ecological emergency. Enabling walking and cycling by embedding healthy place shaping will, for example, help to encourage active travel and reduce reliance on the use of the private car.

3.4 A key component of healthy place shaping is shaping the built environment so that people can more easily access green space and encourage healthy exercise whilst securing biodiversity net gain which will help to address species decline and provide space for leisure and shade.

3.5 It is also important to note that not all of the potential contributions identified will be relevant to all development proposals and that the actual 'package' of developer contributions that is ultimately secured will depend on a number of factors including the type, scale and location of development. Ultimately, any Section 106 requirement sought must be necessary, directly related and reasonable.

3.6 The indicative requirements should be read in conjunction with Oxfordshire County Council's Guide to Developer Contributions (April 2021)<sup>6</sup> which provides detailed guidance in relation to transport and education as well as other matters including flood and water management, extra-care housing, archaeology, fire and rescue, the natural environment and energy efficiency.

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<https://www.oxfordshire.gov.uk/residents/roads-and-transport/transport-policies-and-plans/transport-new-developments/developer-contributions>

- 3.7 Given that the District Council does not yet have CIL in place, the primary focus of this section is on the use of Section 106 agreements, Section 278 agreements and planning conditions. On the basis that the District Council remains committed to introducing CIL, Appendix I provides an indication of how the District Council may choose to spend any future CIL receipts. This will be further updated once CIL is in place.
- 3.8 Further information on the infrastructure projects or types of infrastructure that the District Council intends to fund via CIL or S106 agreements (or any other agreement that secures funding or infrastructure as part of any new development) must be included as part of the Council's Infrastructure Funding Statement – IFS published annually<sup>7</sup>.

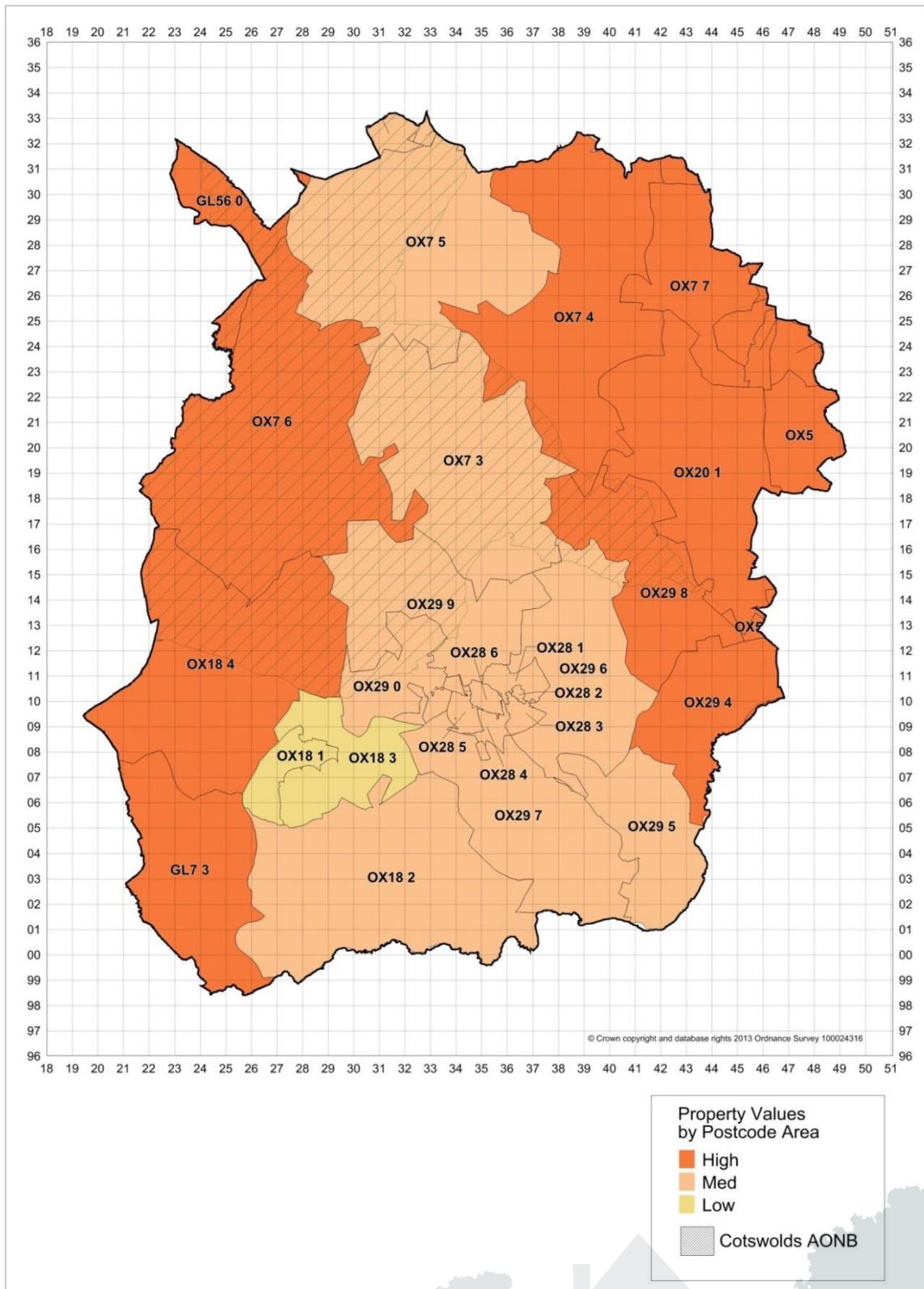
#### 4. **Affordable Housing**

- 4.1 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<sup>8</sup>.
- 4.2 We define affordable housing as that which is affordable to those who cannot afford market priced housing locally to rent or purchase. The West Oxfordshire Local Plan 2031 recognises that housing affordability is a key issue and increasing the number, type and distribution of affordable housing is a priority of the Council.
- 4.3 In accordance with Local Plan Policy H3, certain 'qualifying' market housing schemes will be required to make a contribution – either directly on-site by building a proportion of new homes as affordable properties or by making a financial contribution towards new affordable homes elsewhere in the District.
- 4.4 The full details are set out in Local Policy H3 – Affordable Housing but in summary:
- Within the Cotswolds Area of Outstanding Natural Beauty (AONB) smaller market housing schemes of between 6-10 units and which have a maximum combined gross floorspace of no more than 1,000 sqm are required to make a financial contribution towards the provision of affordable housing 'off-site'.
  - Across the District as a whole (including within the AONB) larger market housing schemes of 11 or more units or which have a maximum combined gross floorspace of more than 1,000 sqm, will be required to provide a proportion of affordable housing on site, with the amount required varying from 35%, 40% and 50% according to location (lower, medium and higher value areas respectively (see Figure 5a in the West Oxfordshire Local Plan 2031 – reproduced as Figure 2 below).
  - In some instances on such larger schemes, a combination of on-site provision and a financial contribution may be appropriate.

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<https://www.westoxon.gov.uk/planning-and-building/community-infrastructure-levy/infrastructure-spending-and-funding/>  
NPPF paragraphs 62 and 63 in particular

**Figure 2 – West Oxfordshire Local Plan 2031 ‘Value Zones’**



## Affordable Housing – summary of developer contributions to be sought:

Within the Cotswolds AONB, market housing schemes of between 6-10 units and which have a maximum combined gross floorspace of no more than 1,000 sq.m will be required to make a financial contribution towards the provision of affordable housing off-site within the District.

Across the District as a whole, housing schemes of 11 or more units or which have a maximum combined gross floorspace of more than 1,000m<sup>2</sup> will be required to provide affordable housing on-site as a proportion of the market homes proposed as follows:

- High value zone (50%)
- Medium value zone (40%)
- Low 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%)
- Low value zone (35%)

### *Extra-care housing*

- High value zone (45%)
- Medium value zone (35%)
- Low value zone (10%)



## Relevant Policy Context:

NPPF – Paragraphs 62 and 63

West Oxfordshire Local Plan 2031: Policy H3 – Affordable Housing

- 4.5 Further information on the provision of new affordable housing including guidelines on preferred tenures and property sizes is set out in the District Council's separate [Affordable Housing Supplementary Planning Document \(SPD\)](#) which was formally adopted in October 2021.



## 5. Custom and Self-Build Housing

- 5.1 Custom-build and self-build housing is housing which is built by an individual, a group of individuals, or persons working with or for them, to be occupied by that individual. Such housing can be either market or affordable housing<sup>9</sup>.
- 5.2 National policy<sup>10</sup> requires local authorities to have an understanding of the housing needs of specific groups in the community including those who wish to commission or build their own homes.
- 5.3 More specifically, the Self Build and Custom Housebuilding Act 2015 requires local authorities to keep a register of those seeking to acquire serviced plots and to grant enough planning permissions to meet the identified demand. Further information is available on the District Council's website<sup>11</sup>.
- 5.4 The importance of providing opportunities for those wishing to commission or build their own home is reflected in Local Plan Policy H5 – Custom and Self-Build Housing which requires all larger housing developments of 100 or more homes to make 5% of serviced residential plots available for the purpose of custom and self-build housing. This will typically be secured through a Section 106 legal agreement.
- 5.5 Policy H5 also supports individual custom and self-build housing schemes 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.
- 5.6 The District Council will also assist in helping to identify suitable and deliverable sites through Neighbourhood Plans and by encouraging the re-use of existing buildings (in accordance with Policies OS2, H2 and E3 of the Local Plan).

### Custom and Self-Build Housing – summary of developer contributions 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 generally 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.

### Relevant Policy Context:

NPPF - Paragraph 62

West Oxfordshire Local Plan 2031: Policy H5 – Custom and Self-Build Housing

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See NPPF Glossary  
NPPF Paragraph 62  
<https://www.westoxon.gov.uk/housing/self-build-housing/>

## 6. Education

- 6.1 New housing development often increases the number of school age children, which can place strain on the capacity of existing schools. As such, the NPPF<sup>12</sup> stresses the importance of providing a sufficient choice of school places to meet the needs of existing and new communities.
- 6.2 In West Oxfordshire, there are a total of 48 primary schools, one infant school, one nursery, one special school and seven secondary schools<sup>13</sup>. The Local Plan highlights a lack of capacity at primary level as a particular issue.

### Overall Approach

- 6.3 Oxfordshire County Council is the education authority and has a statutory responsibility to ensure sufficient school and childcare places including early years (0-4), primary, secondary, further education and special educational needs or disability (SEND).
- 6.4 Detailed guidance is set out in Oxfordshire County Council's [Guide to Developer Contributions](#) but in essence, the demand for school places associated with new development is assessed against school capacity and where there is (or expected to be) insufficient capacity to satisfactorily meet those extra demands, it may lead to a requirement for S106 contributions.
- 6.5 The County Council generally only assesses the education impacts from larger housing schemes of 10 or more homes, however in some instances, smaller schemes may be assessed depending on their relationship to other housing developments as well as potential cumulative impacts.

### Early Years

- 6.6 Early Years and Childcare provision includes nurseries, childminders, playgroups or pre-schools. A shortage of early education places, especially for 2-year-olds, was identified in the Council's Infrastructure Delivery Plan – IDP (2016). Pressure on places is growing in Witney, Eynsham and Carterton and the Local Plan Strategic Development Areas (SDAs) will increase demand further.
- 6.7 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 larger strategic developments.

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Paragraph 95  
Source: [Planning enough school places](#) | Oxfordshire County Council.

## Primary and Secondary School Provision

- 6.8 Oxfordshire County Council produces a Pupil Place Plan<sup>14</sup> annually setting out how school provision is anticipated to change in the future and how the authority proposes to meet its statutory duties. The County Council is required to determine and plan, in consultation with schools, how sufficient capacity will be provided.
- 6.9 The potential need for a planning obligation is established by assessing the number of pupils generated by the development, whilst also taking into account factors such as other housing developments with planning permission and the capacity of existing schools<sup>15</sup>.
- 6.10 Where planning obligations are required, this may be on the basis of a solely financial contribution and/or may involve the provision of land and infrastructure e.g. for a new school or to enable expansion of an existing school.
- 6.11 For very large residential schemes (where the scale of pupils generated cannot be accommodated through school expansions) it may be necessary to provide a new school or schools on-site as part of the development. As a general guide, proposals involving 400 or more homes may require the provision of a new primary school (depending on existing provision).
- 6.12 When the scale of development necessitates a new school, the developer/s will be expected to provide an appropriate remediated and serviced piece of land free of charge. In some cases the County Council may seek an option for remediated expansion land which can be funded by another adjacent development. Where the development is not a host site for a new school it may be appropriate for an obligation to fund land acquisition. Where land is to be transferred, this must be 'freehold' land.
- 6.13 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 a feasibility study has been carried out, the estimated cost of the expansion. Where the expansion project requires the acquisition of additional land, the cost of this will be factored into the level of contributions sought.
- 6.14 For smaller residential schemes of 10 to around 400 homes (depending in part on local need) the County Council will seek an obligation towards increasing the capacity of an existing school or schools or towards an off-site new school serving multiple developments. In some cases, obligations may be required towards temporary accommodation, where the permanent accommodation cannot be delivered in time to meet the need from population growth.

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[https://www.oxfordshire.gov.uk/sites/default/files/file/our-work-schools/PupilPlacePlan2021\\_22-2025\\_26\\_0.pdf](https://www.oxfordshire.gov.uk/sites/default/files/file/our-work-schools/PupilPlacePlan2021_22-2025_26_0.pdf)  
Note that temporary school accommodation is excluded when assessing existing school capacity.

## Special Educational Needs and Disabilities Provision (SEND)

- 6.15 The County Council as an education authority has a duty to identify and assess the special educational needs and disabilities (SEND) of children and young people for whom they are responsible<sup>16</sup>. In fulfilling its statutory duty to secure sufficient schools in its area, it must consider the need to secure the necessary provision.
- 6.16 Any impact on SEND capacity and provision is taken into account by the County Council as part of their overall assessment of the impact of a new development. Financial contributions may be sought towards SEND either in relation to the provision of a new special school or towards the expansion of an existing facility. Further guidance on how such calculations will be determined is set out in the County Council's [Guide to Developer Contributions](#) (April 2021).

### Education - summary of developer contributions to be sought:

For larger residential schemes of 10 or more homes<sup>17</sup>, 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.

### **Relevant Policy Context:**

NPPF – Paragraph 95

West Oxfordshire Local Plan 2031: Policy OS5 – Supporting Infrastructure

<sup>16</sup>

See Paragraph 42 of the Oxfordshire County Council Guide to Developer Contributions (April 2021).

<sup>17</sup>

Note: in some instances, smaller schemes may be assessed depending on their relationship to other developments as well as potential cumulative impacts.

## 7. Transport and Movement

- 7.1 The NPPF<sup>18</sup> requires transport issues to be considered at an early stage so that the potential impacts of development can be addressed. The focus should be on locating development in the most sustainable places, limiting the need for travel and offering a genuine choice of transport modes.
- 7.2 Oxfordshire County Council is the local highway authority and local transport authority and works closely with the District Council to ensure that the transport network supports sustainable growth. The County Council provides co-ordinated advice on development proposals through its consultation response on planning applications. This may specify requirements for measures to mitigate the transport and other impacts of the development, which can be secured through legal agreements.
- 7.3 Detailed information and advice on these potential requirements is set out in the County Council's [Guide to Developer Contributions](#) (April 2021). An overview is provided below.

### *Highways and Access*

- 7.4 In considering development proposals, any significant impacts on the transport network or on highway safety will need to be mitigated to an acceptable degree. Developments that have significant transport implications will be required to include a Transport Assessment (TA) or Statement (TS) and Travel Plan – the scope of which should be agreed with Oxfordshire County Council at an early stage including any future transport scenarios required. The County Councils guidance information can be found [here](#):
- 7.5 This information will help the County Council determine the likely impact upon the highway and therefore the scope of any highway works, or other mitigation measures that may be needed. These will be negotiated on a case-by-case basis and may be funded through a financial contribution to the County Council or delivered directly by a developer.
- 7.6 Some items of infrastructure may be required to be delivered in the future if other targets and forecasts are not met (see '[Decide and Provide](#)' requirements for [Transport Assessment](#)). Delivery of these items may be needed after a period of monitoring and will be secured through a S106 agreement and associated bond.
- 7.7 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 Section 278 or S278 Agreement). Examples of such works include the construction of a new access, junction improvements, cycle and footways and safety related works such as traffic calming.

- 7.8 Where the cumulative impact of a number of developments requires a specific highway improvement project, the County Council may secure financial contributions through a S106 agreement or through S278/S38 contributions and procure the necessary works.

### **Highways and Access - summary of developer contributions to be sought:**

For larger residential schemes of 10 or more homes<sup>19</sup>, where necessary, directly, fairly and reasonably related in scale and kind to the development, the provision of highway and access improvements (either directly delivered 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.

### **Relevant Policy Context:**

NPPF – Section 9

LTCP – Local Transport and Connectivity Plan. Adopted July 2022

West Oxfordshire Local Plan 2031: Policy OS5 – Supporting Infrastructure, T1 - Sustainable Transport, T2 - Highways Improvement Schemes, T3 - Public Transport, Walking and Cycling

### **Public Transport (services and infrastructure provision)**

- 7.9 Improvements to public transport have a key role to play in encouraging fewer car journeys, reducing carbon emissions and encouraging active lifestyles. Maximising the opportunities for public transport is a core objective of the West Oxfordshire Local Plan 2031.
- 7.10 As the Local Highway Authority and Local Transport Authority, Oxfordshire County Council has statutory responsibility for public transport<sup>20</sup>, although the District Council also has an important role to play, working in partnership with the County Council and other organisations such as Network Rail, to help to improve bus and rail services.
- 7.11 Oxfordshire County Council has developed a Bus and Rapid Transit Strategy (BRTS) which seeks to enhance the role of the bus as a key component of the overall public transport network in the county. The strategy aims to increase the frequency of existing bus routes and introduce new routes where different travel patterns are created in order to minimise car journeys and takes accounts of other plans and strategies prepared by key partners, including bus operators, Network Rail, GWR, and the North Cotswold Line Task Force.

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Note: in some instances, smaller schemes may be assessed depending on their relationship to other developments as well as potential cumulative impacts.

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Under the Transport Act 1985, the Transport Act 2000, the Traffic Management Act 2004 and the Local Transport Act 2008

- 7.12 Section 106 contributions may therefore be requested from developers in order to ‘pump prime’ new routes or incremental enhancements to existing routes. Contributions may be sought towards the following:
- supporting the development of new bus services;
  - increasing the frequency of existing bus services;
  - maintaining and developing existing bus services where these would otherwise be subject to reduced frequency or cease to operate; and
  - installation and maintenance of Real Time Passenger Information (RTPI) and other related bus stop infrastructure
- 7.13 The focus will be on creating or enhancing services such that they do not require ongoing financial support from the County Council in the longer-term.
- 7.14 Contributions towards enhanced rail improvements including linkages to the stations may also be sought from new development.
- 7.15 Any contribution sought will be assessed on a case-by-case basis and shall have regard to the impact that the development is likely to have on the public transport system including relevant considerations such as the size and location of the proposed development.
- 7.16 The County Council has a standard approach to financial contributions for public transport services and infrastructure, dependent on the location of the development. Advice on this will be given at pre-application and application stages as appropriate. Further information is set out in the County Council’s [Guide to Developer Contributions](#) (April 2021) and 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.
- 7.17 Developers will not usually be permitted to procure public transport services directly with operators unless there is a compelling reason to do so. This is in the interests of public transport co-ordination and integration across the county.



## Public Transport services and infrastructure provision - summary of developer contributions to be sought:

For larger residential schemes of 10 or more homes<sup>21</sup>, where necessary, directly, fairly and reasonably related in scale and kind to the development, financial contributions towards the provision of and/or improvements to public transport services will be secured through a Section 106 legal agreement.

Improvements to public transport infrastructure, where necessary, will usually be secured through a Section 278 legal agreement although complementary infrastructure will be secured via a 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.

### Relevant Policy Context:

NPPF – Section 9

LTCP – Local Transport and Connectivity Plan. Adopted July 2022

West Oxfordshire Local Plan 2031: Policy OS5 – Supporting Infrastructure, T1 - Sustainable Transport, T2 - Highways Improvement Schemes, T3 - Public Transport, Walking and Cycling

21

Note: in some instances, smaller schemes may be assessed depending on their relationship to other developments as well as potential cumulative impacts.

## Healthy and Active Travel

- 7.18 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.
- 7.19 OCC's Local Transport and Connectivity Plan (LTCP) was adopted in July 2022 and covers the period to 2050. It replaces the previous Local Transport Plan (LTP4) and aims to make walking, cycling, public and shared transport the natural first choice to help achieve a net zero transport system.
- 7.20 One of the key themes of LTCP is to achieve 'improved health and wellbeing and reduced health inequalities, enabled through active and healthy lifestyles, improved road safety and inclusive communities'. The plan includes policies which aim to increase levels of walking and cycling to help to improve the mental and physical health of Oxfordshire's residents and make streets more welcoming and safe.
- 7.21 The District Council has 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 such as public transport hubs.
- 7.22 In order to further promote active travel, the provision of high quality, well designed and well maintained connections and associated infrastructure including appropriate lighting, clear signage and secure cycle storage is essential. Developers should demonstrate through masterplanning and design how their site has been planned to prioritise walking and cycling. Developers are encouraged to use the Oxfordshire [Walking](#) and [Cycling](#) Design Standards.
- 7.23 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 of developer contributions to be sought:

For larger residential schemes of 10 or more homes<sup>22</sup>, where necessary, directly, fairly and reasonably related in scale and kind to the development, contributions may be required towards measures including new and upgraded cycle & pedestrian infrastructure as well as initiatives to promote cycling and walking associated with travel to/from and at the development.

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. Any such contribution will be secured through a Section 106 legal agreement.

### Relevant Policy Context:

NPPF – Section 9

LTCP – Local Transport and Connectivity Plan. Adopted July 2022

West Oxfordshire Local Plan 2031: Policy OS5 – Supporting Infrastructure, T1 - Sustainable Transport, T3 - Public Transport, Walking and Cycling

## Travel Planning

- 7.24 Travel Plans are long-term management strategies which aim to help integrate sustainable travel options into developments by considering opportunities for walking, cycling and public transport.
- 7.25 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.
- 7.26 As a general rule, standard, simple Travel Plans tend to be secured via a planning condition whereas more complex and larger-scale Travel Plans tend to be secured via a Section 106 agreement which enables financial contributions and/or Travel Plan Monitoring fees to be secured. For smaller residential schemes of between 10-49 homes, a Travel Information Pack may be sufficient.
- 7.27 Further information on the scale of development that will trigger a Travel Plan and relevant monitoring fees is set out on the County Council's website.

<sup>22</sup>

Note: in some instances, smaller schemes may be assessed depending on their relationship to other developments as well as potential cumulative impacts.

## Travel Plans - summary of developer contributions to be sought:

Where necessary, directly, fairly and reasonably related in scale and kind to the development, a Travel Plan may be required to be secured through either a planning condition or Section 106 legal agreement.

### Relevant Policy Context:

NPPF – Section 9

LTCP – Local Transport and Connectivity Plan. Adopted July 2022

West Oxfordshire Local Plan 2031: Policy OS5 – Supporting Infrastructure, T1 - Sustainable Transport, T3 - Public Transport, Walking and Cycling

## 8. Sport and Leisure

- 8.1 Increased levels of physical inactivity has a negative impact on health systems, the environment, economic development, community well-being and quality of life. It's important to take action to provide everyone with more opportunities to be active which is possible by creating well-designed places where healthy behaviours are the norm.
- 8.2 The rural nature of the District lends itself to outdoor activities with water-based opportunities to the south of the District on the River Thames and on the lakes created though sand and gravel extraction in the Lower Windrush Valley.
- 8.3 In accordance with the Local Plan, new developments which generate a need for sport and leisure that cannot be met by existing provision will be expected to contribute towards the provision of new facilities or improvements/expansion of existing facilities.
- 8.4 Local Plan Policy EH4 – Public Realm and Green Infrastructure requires new development to provide opportunities for improvements to the District's multi-functional network of Green Infrastructure and open space with contributions to be sought where appropriate.
- 8.5 Policy EH5 – Sport, Recreation and Children's Play requires new development to provide or contribute towards the provision of necessary improvements to open space, sports and recreational buildings and land.



- 8.6 The circumstances in which developer contributions may be sought towards sport and leisure in West Oxfordshire are further explained below.
- 8.7 This includes the following types of provision:
- Indoor Sport and Leisure Facilities (e.g. Sports Hall and Pools)
  - Outdoor Sports (e.g. Playing Pitches and Courts)
  - Play Areas
  - Allotments and other community growing space
  - Other Green Space
  - Public Rights of Way
- 8.8 Appendix 2 includes some worked up S106 examples for sports and leisure provision.

### *Indoor Sport and Leisure Facilities*

- 8.9 Indoor sports provision forms an important part of the overall sports and leisure 'offer' of the District and includes facilities such as swimming pools and sports halls. The District's three main service centres Witney, Carterton and Chipping Norton all have leisure centres.
- 8.10 To provide evidence of the future needs for indoor sport and leisure facilities across the District, the Council commissioned a strategic assessment of the need for sports hall and swimming pool provision through Sport England's Facilities Planning Model in 2020.
- 8.11 This identified current and future deficiencies in provision and contains recommendations for how these deficiencies can be met. In doing so, it provides the evidence base for facility requirements to inform requests for developer contributions in the period up to 2031.
- 8.12 As a general guide, smaller residential schemes of 10 or more dwellings will be expected to make a financial contribution towards off-site provision or enhancement of existing facilities within a 20 minute drive time catchment.
- 8.13 For large residential developments (typically around 500 or more 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.
- 8.14 Where this is not feasible or desirable, an appropriate financial contribution will be sought towards off-site provision to enhance or improve existing facilities within a 20 minute drive-time catchment of the development site.
- 8.15 Costs relating to the proposed improvements or expansion will be proportionate to the size or potential occupancy of the development, utilising the Sport England Facility Calculator model and evidence from the Facility Planning Model reports. All figures will be indexed linked to BCIS all in tender price index.

- 8.16 All facilities will require a commuted sum (maintenance) contribution and this is usually required to cover the cost of maintenance for 25 years, utilising Sport England's Lifecycle costings.
- 8.17 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.
- 8.18 Contributions from several sites may be pooled towards a specific facility.

### **Indoor Sport and Leisure - summary of developer contributions to be sought:**

Smaller residential schemes of 10 or more homes will, where necessary, directly, fairly and reasonably related in scale and kind to the development, be expected to make a financial contribution towards new and enhanced indoor sport and leisure facilities off-site.

As a general guide, large residential developments of around 500 or more 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.

The Council will seek to ensure that any such facilities are provided at an early stage in the interest of healthy place shaping and community cohesion.

A commuted sum will be required to cover the cost of maintenance.

Where on-site provision is not feasible or desirable, an appropriate financial contribution towards off-site provision will be sought.

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

### **Relevant Policy Context:**

NPPF Section 8 - Promoting Healthy and Safe Communities  
West Oxfordshire Local Plan 2031: Policy OS5 - Supporting Infrastructure, EH5 Sport, Recreation and Children's Play



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

- 8.19 Outdoor sports provision forms an important part of the overall sports and leisure 'offer' of the District and includes school playing fields where they are open to the community, sports fields and pitches including but not limited to football, rugby, cricket, hockey and tennis. It also includes ancillary facilities such as parking, toilets, changing facilities and sports lighting.
- 8.20 In accordance with the Local Plan, in appropriate circumstances, developers will be asked to contribute towards outdoor sports provision either directly as part of the development, or through a financial contribution towards off-site provision.
- 8.21 In terms of the quantum of outdoor sports provision to be sought, as referenced in the Local Plan, the Council will have regard to the West Oxfordshire Playing Pitch Strategy (2014) which set a recommended standard of 1.6 ha per 1,000 people in line with more recent guidelines from Fields in Trust (2015).
- 8.22 To provide more up to date evidence of the future needs for outdoor sports across the District, the Council commissioned a Playing Pitch Strategy in 2022. This identifies current and future deficiencies in provision and contains recommendation for how these deficiencies can be met. In doing so, it provides the evidence base for facility requirements to inform developer contributions in the period up to 2031.
- 8.23 As a general guide, smaller residential schemes of 10 or more dwellings will be expected to make a financial contribution towards off-site provision or enhancement of existing facilities within a 20 minute drive time catchment.
- 8.24 For larger schemes, whether provision is made on or off-site will depend on a number of factors including the size of the proposed development, existing provision within the area and existing access to facilities. The West Oxfordshire Open Space Study (2013) suggests that on-site provision for outdoor sport will typically be sought on larger residential schemes of 50 or more dwellings.
- 8.25 Where this is not feasible or desirable, an appropriate financial contribution will be sought towards off-site provision to enhance or improve existing facilities within a 20 minute drive time catchment.
- 8.26 All costs will be proportionate to the size and potential occupancy of the development, evidence of need e.g. Playing Pitch Strategy and Sport England's playing pitch calculator. All figures will be indexed linked to BCIS all in tender price index.
- 8.27 All facilities will require a commuted sum (maintenance) contribution and this is usually required to cover the cost of maintenance for 15 years.
- 8.28 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.
- 8.29 Contributions from several sites may be pooled towards a specific facility.

## **Outdoor Sports - summary of developer contributions to be sought:**

Smaller residential schemes of 10 or more homes will, where necessary, directly, fairly and reasonably related in scale and kind to the development, be expected to make a financial contribution towards new and enhanced outdoor sport and leisure facilities off-site.

As a general guide, larger residential developments of around 50 or more homes will, where necessary, directly, fairly and reasonably related in scale and kind to the development, be expected to provide outdoor sport facilities as part of the development.

The Council will seek to ensure that such facilities are provided at an early stage in the interest of healthy place shaping and community cohesion.

A commuted sum will be required to cover the cost of maintenance.

Provision will be based on an indicative quantitative requirement of at least 1.6 ha per 1,000 population (applied on a pro-rata basis).

Where on-site provision is not feasible or desirable, an appropriate financial contribution will be sought.

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

### **Relevant Policy Context:**

NPPF Section 8 - Promoting Healthy and Safe Communities  
West Oxfordshire Local Plan 2031: Policy OS5 - Supporting Infrastructure, EH5 Sport, Recreation and Children's Play



## Play Areas

- 8.30 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.
- 8.31 Other outdoor play provision can include Multi-Use Games Areas (MUGAs), skate parks and exercise equipment for all ages.
- 8.32 In accordance with Local Plan Policy EH5, in appropriate circumstances, developers will be asked to contribute towards play provision either directly on-site as part of the development, and/or through an appropriate financial contribution towards off-site provision.
- 8.33 As with outdoor sports, whether provision for play is made on-site, or off-site through a financial contribution, will depend on a number of factors including the size of the development, existing provision and access to facilities.  
*Local Areas for Play (LAPs) and Local Equipped Areas for Play (LEAPs)*
- 8.34 As a general guide, because they are relatively small<sup>23</sup> the Council may seek to secure the on-site provision of LAPs and/or LEAPs as part of housing schemes of 10 or more homes through a Section 106 legal agreement. This is consistent with the Council's Open Space Study (2013) which suggests that on-site play provision will normally be required for schemes of this size.
- 8.35 We recognise however that on-site provision will not always be appropriate or necessary and in such instances, a financial contribution may be sought as an alternative.

### *Multi-Use Games Areas (MUGAs) and other outdoor provision (e.g. skateparks)*

- 8.36 Because MUGAs are larger (minimum 0.1 ha in size) these and other forms of outdoor provision such as skate parks, will generally be sought in relation to larger development schemes. The 2015 Fields in Trust publication; '[Guidance for Outdoor Sport and Play; Beyond the Six Acre Standard](#)' suggests that around 200 or more homes is an appropriate threshold for the on-site provision of a MUGA.
- 8.37 We will use this as a general guide but again recognise that on-site provision will not always be appropriate, in which case a financial contribution may be sought as an alternative.

### *Neighbourhood Equipped Areas for Play (NEAPs)*

- 8.38 NEAPs have the same land take as a MUGA (minimum 0.1 ha in size) and whilst the Fields in Trust guidance suggests an indicative threshold of around 500 or more homes for on-site provision, the Council has previously secured on-site NEAP provision on smaller schemes of 250+ dwellings. We will therefore use this as an indicative threshold.

### *Accessibility, Quantity and Quality*

- 8.39 Play space should be accessible in terms of comfortable walking distances. The Council's Open Space Study (2013) suggests 480m (10 minutes straight line walk time) for junior provision and 600m (12-13 minutes straight line walk time) for junior provision.
- 8.40 More recent Fields in Trust Guidance suggests 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 skatepark) within 700m.
- 8.41 In terms of the quantum of provision, in line with the Local Plan, the Council will have regard to the 2013 Open Space Study which identified a standard of 0.05 ha/1,000 population for children's play space and 0.02 ha/1,000 population for youth play space.
- 8.42 Regard will also be had to the 2015 Fields in Trust publication; '[Guidance for Outdoor Sport and Play; Beyond the Six Acre Standard](#)' which identifies suggested standards of 0.25 ha/1,000 population for equipped/designated play areas and 0.3 ha/1,000 population for other outdoor provision such as MUGAs and skateparks.
- 8.43 In terms of quality, the design of facilities should reflect current best practice. 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. Early discussion with the District Council's leisure team at the pre-application stage is strongly encouraged.
- 8.44 All play facilities will require a commuted sum (maintenance) contribution.

## Play Areas – summary of developer contributions to be sought:

Where necessary, directly, fairly and reasonably related in scale and kind to the development, the District Council will seek to secure the provision of suitable outdoor play space.

The type of provision sought will vary according to a number of factors including the size of development.

As a general guide:

- Smaller play facilities such as Local Area for Play (LAPs) and Local Equipped Area for Play (LEAPs) will be sought on-site in relation to residential schemes of 10 or more homes;
- Multi-Use Games Areas (MUGAs) and other outdoor provision (e.g. skate-parks) will be sought on-site in relation to residential schemes of around 200 or more homes;
- Neighbourhood Equipped Areas for Play (NEAPs) will be sought on-site in relation to residential schemes of around 250 or more homes.

Provision at Salt Cross Garden Village will be guided by the Area Action Plan (AAP) and any quantitative and qualitative requirements contained therein.

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

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

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

### Relevant Policy Context:

NPPF Section 8 - Promoting Healthy and Safe Communities  
West Oxfordshire Local Plan 2031: Policy OS5 - Supporting Infrastructure, EH5 Sport, Recreation and Children's Play



## Allotments and other community growing space

- 8.45 In 2021, the National Food Strategy stressed the need for local areas to develop their own localised food strategies to tackle the ongoing fragility of food systems in the UK, affordability and the environmental and health impacts of the food we eat. The Oxfordshire Food Strategy is now in place and endorsed by all local authorities in Oxfordshire. Led by Good Food Oxfordshire, this strategy sets out four key priorities for action to make healthy and sustainable food a defining characteristic of living in Oxfordshire. Ensuring easy access to affordable healthy food, including allotment space and community gardens, is essential in the creation of healthy places.
- 8.46 As a general guide, the District Council will seek the on-site provision of allotments or other community growing space on larger housing schemes of 50 or more homes. This is consistent with the Council's Open Space Study (2013). In line with that study, the level of provision sought will be at least 0.25 ha per 1,000 population but in the interest of healthy place shaping, developers will be encouraged to provide at least 0.3 ha per 1,000 population in line with the 2015 Fields in Trust publication<sup>24</sup>; ['Guidance for Outdoor Sport and Play: Beyond the Six Acre Standard](#).
- 8.47 Where on-site provision is made, space should be provided in an accessible and suitable location within the site with the location to be agreed with the District Council at an early stage. Provision will typically be secured by way of a Section 106 planning obligation.
- 8.48 Where on-site provision is not feasible or desirable, 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.

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It should be noted that for Salt Cross Garden Village, the submission draft Area Action Plan (AAP) stipulates a slightly higher requirement of 0.39 ha/1,000.

## Allotments and Other Community Growing Space - summary of developer contributions to be sought:

In respect of larger housing schemes of 50 or more homes, where necessary, directly, fairly and reasonably related in scale and kind to the development, provision of on-site allotments or other community growing space will be sought.

This will be based on an indicative quantitative requirement of at least 0.25 ha per 1,000 population (applied on a pro-rata basis).

Provision at Salt Cross Garden Village will be guided by the Area Action Plan (AAP) and any quantitative and qualitative requirements contained therein.

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.

### Relevant Policy Context:

NPPF Section 8 - Promoting Healthy and Safe Communities  
West Oxfordshire Local Plan 2031: Policy OS5 - Supporting Infrastructure, EH4 – Public Realm and Green Infrastructure, EH5 - Sport, Recreation and Children's Play

## Other Green Space

- 8.49 Other types of green space include formal parks and gardens, amenity green space and natural and semi-natural green space.
- 8.50 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.
- 8.51 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 new development.
- 8.52 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, a mixture of different types of green space including formal parks and gardens.

- 8.53 As a general guide, amenity green space will be sought on-site as part of residential schemes of 10 or dwellings in line with the Open Space Study (2013). In terms of the quantum of provision, the study suggests 0.7 ha per 1,000 population which can be combined with natural and semi-natural green space (see below).
- 8.54 In relation to natural and semi-natural green space, the Open Space Study suggests on-site provision will normally be required on larger housing schemes of 200 or more homes. In some instances, on-site provision will be appropriate on smaller schemes and this will be considered on a case-by-case basis. In terms of quantum, the study suggests 2 ha per 1,000 population which for new provision can be combined with amenity green space – see above.
- 8.55 With regard to parks and gardens, the Open Space Study suggests on-site provision will normally be required on larger housing schemes of 200 or more homes and in terms of the quantum of provision, suggests a standard of 1 ha per 1,000 population of publicly accessible space.
- 8.56 Where on-site provision is not feasible, a financial contribution will be sought towards provision or enhancements off-site. Priority areas for off-site enhancements include Conservation Target Areas and areas where stakeholder/partnership projects, such as the Lower Windrush Valley Project, already exist.
- 8.57 On and off-site provision will both be secured through a Section 106 legal agreement.



## Other Green Space - summary of developer contribution to be sought:

Where necessary, directly, fairly and reasonably related in scale and kind to the development, the District Council will seek to secure the provision of other green space including amenity green space, natural and semi-natural green space and parks and gardens.

The type of provision sought will vary according to a number of factors including the size of development.

As a general guide:

- Amenity green space will be sought on-site in relation to residential schemes of 10 or more homes. This will be based on an indicative quantitative requirement of at least 0.7 ha per 1,000 population which may be combined with natural / semi-natural green space provision – see below;
- Natural and semi-natural green space will be sought on-site in relation to residential schemes of 200 or more homes although consideration will be given to the desirability/feasibility of provision on smaller residential schemes. This will be based on an indicative quantitative requirement of at least 2 ha per 1,000 population which may be combined with amenity green space provision – see above;
- Parks and gardens will be sought on-site in relation to residential schemes of 200 or more homes and this will be based on an indicative quantitative requirement of at least 1 ha per 1,000 population of publicly accessible space.

Provision at Salt Cross Garden Village will be guided by the Area Action Plan (AAP) and any quantitative and qualitative requirements contained therein.

Where the 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.

### Relevant Policy Context:

NPPF Section 8 - Promoting Healthy and Safe Communities  
West Oxfordshire Local Plan 2031: Policy OS5 - Supporting Infrastructure, EH4 – Public Realm and Green Infrastructure, EH5 - Sport, Recreation and Children's Play

## Public Rights of Way (PRoW)

- 8.58 The NPPF 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.
- 8.59 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.
- 8.60 Where developments affect Public Rights of Way, either within the development or off-site, Oxfordshire County Council should be contacted at the earliest possible stage. Particular regard should be had to the Oxfordshire Rights of Way Management Plan 2015 - 2025<sup>25</sup>.
- 8.61 Oxfordshire County Council's priority is to protect existing countryside access and to mitigate the impacts of development to enhance the network for all users. In assessing the potential impact of development, the County Council will take into account potential effects both within the development site itself as well as off-site.
- 8.62 Consequently, the County Council may seek works and/or financial contributions from developers to ensure that the PRoW network is appropriate to accommodate the extra demands or user impacts arising from new development. 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.
- 8.63 Contributions may be sought 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. Such contributions will normally be spent on measures in an 'impact' area which could be up to 5km from the development site depending on site and network characteristics.
- 8.64 Oxfordshire 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 can be found in the County Council's Developer [Guide to Developer Contributions](#).

## **Public Rights of Way - summary of developer contributions 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, appropriate works and/or a financial contribution will be sought towards appropriate mitigation measures.

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

## **Relevant Policy Context:**

NPPF Section 8 - Promoting Healthy and Safe Communities  
West Oxfordshire Local Plan 2031: Policy OS5 - Supporting Infrastructure, EH4 –  
Public Realm and Green Infrastructure



## 9. Climate and Environment

- 9.1 The NPPF recognises the increasingly urgent need to support the transition to a low carbon future in a changing climate. Planners should help to shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.
- 9.2 The Government's 25 year Environment Plan sets out goals for improving the environment within a generation and leaving it in a better state. It includes a range of targets for each of the environmental benefits and pressures identified such as clean air, clean water, wildlife, environmental hazards, climate change and waste.
- 9.3 A core objective of the West Oxfordshire Local Plan 2031 is to conserve and enhance the character and significance of West Oxfordshire's high quality natural, historic and cultural environment – including its geodiversity, landscape, biodiversity, heritage and arts. Another core objective is to contribute to reducing the causes and adverse impacts of climate change, especially flood risk.
- 9.4 Whilst reducing the causes of climate change is vital, we also need to learn to adapt to a change in our future climate and Policy OS4 requires new development to be resilient to future climate change, particularly increasing temperatures and flood risk. Such measures should form an integral part of any development.
- 9.5 In this section we provide an overview of the Council's approach to developer contributions in the following key areas which relate to the climate and environment:
- Biodiversity net gain
  - Air quality
  - Flood risk, water management and sustainable drainage
  - Archaeology

### *Biodiversity Net Gain (BNG)*

- 9.6 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.
- 9.7 Local Plan Policy EH3 - Biodiversity and Geodiversity sets out the need for biodiversity to be protected and enhanced with a requirement for all major and minor applications to demonstrate a net gain in biodiversity where possible. This links closely with the need to protect and enhance green infrastructure as per Local Plan Policy EH4 - Public Realm and Green Infrastructure.
- 9.8 Since the Local Plan was adopted, the Environment Act 2021 has been published and lays the foundation for a Nature Recovery Network as well as introducing a mandatory requirement for biodiversity net gain of at least 10%. This must be based on a Defra's biodiversity metric and habitats will need to be secured for at least 30 years.

- 9.9 There is currently a transitional period with the mandate for BNG expected to become operational in 2023. Once this occurs, applications will need to comply with the national BNG requirements. In the interim, schemes which wish to deliver BNG in advance of the mandatory requirements are positively encouraged.
- 9.10 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.
- 9.11 Where mitigation for the biodiversity impacts of a development and the delivery of biodiversity net gain can be achieved on site, the District Council 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 through a S106 agreement where appropriate.
- 9.12 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.
- 9.13 In most circumstances, 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.
- 9.14 The Council will also consider the use of ‘conservation covenants’ to secure off-site BNG where appropriate. In some instances, there may be a need to secure this via a Section 106 agreement for example, where the development will occur over multiple phases.



## **Biodiversity - summary of developer contributions 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. In line with the Environment Act 2021 this net gain is expected to be at least 10%.

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 and in the case of arrangements for long-term management and maintenance, potentially through a Section 106 legal agreement.

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.

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 or a covenant unless there is a specific need to secure this via a S106 Agreement, for example, where the development will occur over multiple phases.

### **Relevant Policy Context:**

NPPF Section 15 - Conserving and Enhancing the Natural Environment  
West Oxfordshire Local Plan 2031: Policy OS5 - Supporting Infrastructure, EH3 - Biodiversity and Geodiversity

## *Air Quality*

- 9.15 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. This is recognised in the Local Plan 2031 with Policy EH8 - Environmental Protection requiring the submission of an air quality assessment alongside appropriate applications to help understand and mitigate the impacts of development.
- 9.16 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 are related to vehicular density within relatively congested urban areas, thus nitrogen dioxide is the main pollutant of concern.



- 9.17 Areas 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 (and are currently in the process of being updated) to help establish the best solutions for improving air quality in these zones.
- 9.18 All new major residential and non-residential development which will result in increased traffic movements within the AQMAs identified above will be required to pay a financial contribution to help introduce measures to offset the increase in pollutant measures in order to meet the objectives in the Air Quality Management Plans.
- 9.19 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.

### **Air Quality - summary of developer contribution to be sought:**

For residential developments of 10 or more homes and larger non-residential developments of more than 1,000 sq.m, where necessary, directly, fairly and reasonably related in scale and kind to the development, an appropriate financial contribution will be sought towards measures to offset increases in local pollutant emissions.

This is anticipated to apply to developments which would demonstrably increase vehicular movements within an Air Quality Management Area (AQMA) and will be secured by way of a Section 106 legal agreement.

### **Relevant Policy Context:**

NPPF Section 15 - Conserving and Enhancing the Natural Environment  
West Oxfordshire Local Plan 2031: Policy EH8 - Environmental Protection, OS5 - Supporting Infrastructure

### **Flood risk, water management & quality and sustainable drainage**

- 9.20 There are several rivers flowing through the District which are important corridors for biodiversity and recreation however they present a flood risk to communities including Witney which have suffered from flooding in recent years. In addition there are challenges which need to be tackled including poor water quality resulting from pollution including raw sewerage and water supply pressures due to a growing demand for water and climate change. These cannot be addressed through one organisation alone but need to be addressed as a collective to better help manage water for people and wildlife.
- 9.21 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 the District Council and other key stakeholders, including the Environment Agency and Thames Water. The District Council will continue to work with these stakeholders to help address flood resilience, a significant betterment in water quality and improved water efficiency.

- 9.22 The Council strongly recommends that developers engage with Thames Water at the earliest opportunity in the development process and prior to the submission of an application to establish the following:
- The developments demand for water supply and network infrastructure both on and off site.
  - The developments demand for Sewage / Wastewater Treatment and network infrastructure both on and off site
  - The surface water drainage requirements and flood risk of the development both on and off site
- 9.23 In accordance with Local Plan Policy EH7, 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.
- 9.24 All proposals for development 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 are incorporated, 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. It is expected that landowners/ developers will meet the costs of these measures including direct off-site flood risks and any indirect residual flood risks arising from their development.
- 9.25 Planning obligations will normally be sought where the development requires off-site works to manage any potential increase in the risk of flooding from fluvial sources arising from the development proposed. This 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.
- 9.26 On-site infrastructure which is required to alleviate the risk of flooding and reduce the impacts on drainage infrastructure will normally form part of the detailed matters submitted and agreed through the planning application process and 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. Such works should aim to maximise environmental and amenity benefits.
- 9.27 If the works are being undertaken by the developer, this work must be completed to a timetable or phasing plan agreed with the Local Planning Authority and must be completed in a timely manner. Any phasing requirements for planning obligations related to drainage and flood risk management infrastructure will be set out in a Section 106 agreement.
- 9.28 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. Typically this will be secured through a Section 106 Agreement.

- 9.29 When assessing wastewater, sewerage and water supply infrastructure, planning permission for developments which result in the need for off-site upgrades, will be subject to a Section 106 agreement or conditions to ensure the occupation is aligned with the delivery of necessary infrastructure upgrades to ensure that there is adequate water and wastewater infrastructure to serve the new development.
- 9.30 It is important not to underestimate the time required to deliver necessary infrastructure and therefore developers are encouraged to contact the water/waste water company as early as possible to discuss their development proposals and intended delivery programme to assist with identifying any potential water and wastewater network reinforcement requirements.
- 9.31 Where there is a capacity constraint, phasing conditions may be applied to a planning approval to ensure that any necessary infrastructure upgrades are delivered ahead of the occupation of the relevant phase of development.
- 9.32 Given the significance of flood risk, drainage, water quality and water supply, the District Council will consider using a proportion of any future CIL receipts to help fund appropriate improvements and mitigation measures. Further information on flood and water management and Sustainable Drainage Systems is set out in the County Council's [Guide to Developer Contributions](#)

### **Flood risk, water management and sustainable drainage - summary of developer contributions to be sought:**

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

Off-site flood risk management, drainage infrastructure and any measures related to water quality 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, drainage infrastructure and any measures related to water quality will be secured through a Section 106 legal agreement.

### **Relevant Policy Context:**

NPPF Section 14 - Meeting the challenge of climate change, flooding and coastal change  
West Oxfordshire Local Plan 2031: Policy EH7 - Flood Risk, OS5 - Supporting Infrastructure

## Archaeology

- 9.33 The NPPF requires an ‘applicant to describe the significance of any heritage assets affected (by their development) including any contribution made by their setting’. This should normally be set out in a Heritage Statement submitted with the planning application. As a minimum the Historic Environment Record (HER) will need to be consulted which is maintained by the County Council.
- 9.34 Local Plan Policy EH15 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.
- 9.35 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.
- 9.36 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.
- 9.37 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 may include site management, public access, interpretation schemes and open space provision designed into the development to protect remains.

### Archaeology - summary of developer contributions 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.

### Relevant Policy Context:

NPPF Section 16 - Conserving and enhancing the historic environment  
West Oxfordshire Local Plan 2031: Policy EH15 - Scheduled monuments and other nationally important archaeological remains, OS5 - Supporting Infrastructure



## 10. Community and Culture

### *Public Realm and Public Art*

- 10.1 The NPPF states that the ‘creation of high quality beautiful and sustainable 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’.
- 10.2 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.
- 10.3 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.
- 10.4 Local Plan Policy OS4 - High Quality Design 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 the policy basis for seeking contributions towards the public realm, including public art.
- 10.5 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.
- 10.6 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.
- 10.7 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.

- 10.8 The Council through its Public Art team will support developers in delivering public art and other public realm improvements in particular for larger residential development proposals of more than 10 homes. The contribution sought will reflect the character and scope of the works required and will be negotiated on a case-by-case basis. In some instances, contributions may be sought towards temporary installations and events co-ordinated by relevant specialists with such events having been successfully held on a number of occasions previously (e.g. Shilton Park, Carterton).
- 10.9 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.

### **Public Realm and Public Art - summary of developer contributions to be sought:**

For larger residential developments of 10 or more homes, where necessary, directly, fairly and reasonably related in scale and kind to the development, the provision and maintenance of public realm improvements and public art will be sought as appropriate either directly or in the form of an appropriate financial contribution (or a combination of both).

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

### **Relevant Policy Context:**

NPPF Section 12 – Achieving Well Designed Places  
West Oxfordshire Local Plan 2031: EH4 Public Realm and Green Infrastructure, OS5 - Supporting Infrastructure



## *Community facilities and community development*

- 10.10 The NPPF<sup>26</sup> 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. Local Plan Policy OS5 - Supporting infrastructure provides the policy basis for seeking contributions towards the provision of community meeting space.
- 10.11 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, Parish Councils, local churches and the voluntary sector, alongside developers.
- 10.12 It should be noted that whilst this SPD addresses the need for community facilities within the context of community development, it does not specifically address places of worship, although we do recognise the importance of these spaces in providing community events more broadly.
- 10.13 On larger strategic sites such as the five strategic site allocations in the Local Plan (which vary in size from c. 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.
- 10.14 Such facilities should be accessibly located (normally no more than 800 metre walking distance) with the scale of facility provided to be commensurate to the scale of the development. Meeting spaces should be flexible with storage facilities suitable for different user groups and able to be put to multiple uses and the developer should agree the specification of any new facility with the Council.
- 10.15 The Council will work with applicants to ensure that such facilities are provided at an early stage in the interests of healthy place shaping and community cohesion. A commuted sum for the future maintenance of the facility may also be sought and arrangements for the long-term stewardship of the facilities will need to be agreed.
- 10.16 On very large developments, the Council will also consider seeking a financial contribution towards the appointment of a community development officer to assist with community integration and health and well-being during the early stages as people move into new developments.

- 10.17 In some instances, it may also be appropriate to provide some sort of community space as part of smaller developments (e.g. to support the cumulative impact of growth or to support a particular need such as the provision of specialist housing for a particular group or groups). This will be considered on a case-by-case basis.
- 10.18 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.
- 10.19 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.
- 10.20 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 point<sup>27</sup>. 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. As outlined above, a financial contribution towards the appointment of a community development role may be sought for larger residential schemes.

### **Community Facilities and Community Development - summary of developer contributions 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, 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 some instances, a financial contribution towards the appointment of a Community Development Officer may be sought.

In all instances, on-site provision will be secured 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 from smaller schemes of 10 or more homes 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.

### Relevant Policy Context:

NPPF Section 8 – Promoting Healthy and Safe Communities  
West Oxfordshire Local Plan 2031: Policy E5 – Local Services and Community Facilities,  
OS5 - Supporting Infrastructure

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

- 10.21 Community services including libraries, adult and children support services and museums are essential in supporting community cohesion and learning opportunities for adults and children.
- 10.22 The NPPF requires local authorities 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.
- 10.23 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.
- 10.24 Oxfordshire County Council is responsible for social and community services, including libraries, museums, adult social care, family safeguarding and provision for children and young people. The County Council's Strategic Plan 2019 to 2022 confirms its commitment to providing libraries, museums, sports and leisure settings.
- 10.25 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.
- 10.26 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.
- 10.27 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. 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.
- 10.28 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.

- 10.29 It is anticipated that other smaller developments will contribute towards the provision and enhancement of community services including libraries, adult and children support services and museums by way of the Community Infrastructure Levy (CIL) once introduced in West Oxfordshire.
- 10.30 For further information on developer requirements in relation community services, please refer to Oxfordshire County Council's [Guide to Developer Contributions](#).

### **Community Services - summary of developer contributions to be sought:**

All strategic site allocations within the West Oxfordshire Local Plan 2031 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.

### **Relevant Policy Context:**

NPPF Section 8 – Promoting Healthy and Safe Communities  
West Oxfordshire Local Plan 2031: Policy E5 – Local Services and Community Facilities,  
OS5 - Supporting Infrastructure

## *Burial Space*

- 10.31 Local Plan Policy OS5 - Supporting Infrastructure requires development to contribute to the timely provision of essential supporting infrastructure including burial grounds. Burial space comprises churchyards, cemeteries managed by Town or Parish Councils and natural burial grounds.
- 10.32 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.
- 10.33 Whilst a comprehensive study into the need for burial space in the District has not yet been undertaken, a survey was conducted 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.

- 10.34 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.
- 10.35 Due to the significant increases in population that will arise from the five strategic site allocations in the West Oxfordshire Local Plan, these developments may, subject to identified needs, 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.
- 10.36 In addition, other larger residential developments may be required to make a financial contribution. As a general guide, we will use an indicative threshold of around 50 or more dwellings but this will depend on local circumstances including the level of identified need. Any such provision will be secured through a planning condition and/or Section 106 legal agreement as appropriate.

### **Burial Space - summary of developer contributions to be sought:**

Where there is an identified need, the five strategic site allocations set out in the West Oxfordshire Local Plan 2031 and larger residential developments of around 50 or more 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.

### **Relevant Policy Context:**

NPPF Section 8 – Promoting Healthy and Safe Communities  
West Oxfordshire Local Plan 2031: Policy OS5 - Supporting Infrastructure



## 11. Health and social care

- 11.1 A key aspect of the NPPF is the promotion of healthy and safe communities with planning policies expected to take into account and support the delivery of local strategies to improve health, social and cultural well-being for all sections of the community.
- 11.2 Reflecting this, Local Plan Policy OS5 - Supporting Infrastructure requires development to contribute to the timely provision of essential supporting infrastructure including health care provision.
- 11.3 The overall concept of 'healthy place shaping' was adopted as a strategic priority for Oxfordshire's Health and Wellbeing Board in September 2018 and has since been taken forward through the Oxfordshire Strategic Vision. A key aspect of healthy place shaping is helping to develop local health and care services to deliver good local services.

### *Primary Care*

- 11.4 Primary care services provide the first point of contact in the healthcare system and include general practice. Other aspects of primary care (community pharmacy, dental and optometry services) are now commissioned by the Integrated Care Board (ICB) which replaced Clinical Commissioning Groups in July 2022. Currently 10 GP practices are located in the West Oxfordshire District Council area. In addition there is one community hospital in Witney and one Outpatients unit in Chipping Norton.
- 11.5 The Integrated Care Board has recently published an Integrated Care Strategy (March 2023). The aim of the Strategy is to set the strategic direction for health and care services, including how commissioners in the NHS and local authorities can deliver more joined-up, preventative, and person-centred care for their local population.
- 11.6 Because of the relatively large 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.
- 11.7 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 accessible facilities or the upgrading/ extension of existing facilities in the locality. Again this will be secured by way of a Section 106 legal agreement.
- 11.8 It is anticipated that other smaller developments will contribute towards primary health care through the Community Infrastructure Levy (CIL) once introduced in West Oxfordshire.



## Secondary care

- 11.9 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).
- 11.10 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.
- 11.11 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.
- 11.12 It is anticipated that other smaller developments will contribute through the Community Infrastructure Levy (CIL) once introduced in West Oxfordshire.

## Extra care

- 11.13 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.
- 11.14 In addition, Oxfordshire County Council is responsible for adult social care (Community Support Service Centres) and family safeguarding (Children's Homes / Children & Family Centres).
- 11.15 Contributions towards extra care housing, care/nursing homes, adult and social care and family safeguarding will be sought from the five strategic allocations and 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 and extra-care - summary of developer contributions to be sought:

The five strategic development areas allocated in the West Oxfordshire Local Plan 2031 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.

### Relevant Policy Context:

NPPF Section 8 – Promoting Healthy and Safe Communities  
West Oxfordshire Local Plan 2031: Policy OS5 - Supporting Infrastructure

## 12. Emergency Services

### *Fire and rescue*

- 12.1 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.
- 12.2 Oxfordshire County 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.
- 12.3 A planning obligation towards new fire service infrastructure facilities may be requested where a specific need arising from a development is identified. This is anticipated to apply to the five strategic development areas identified in 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.

- 12.4 Contributions may be via 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.
- 12.5 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.
- 12.6 For further information on developer requirements in relation to Fire and Rescue, please refer to the Oxfordshire County Council's [Guide to Developer Contributions](#).
- 12.7 It is anticipated that other smaller developments will contribute through the Community Infrastructure Levy (CIL) once introduced in West Oxfordshire.

### **Fire and Rescue - summary of developer contributions to be sought:**

The five strategic development areas allocated in the West Oxfordshire Local Plan 2031 will be expected to make an appropriate 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.

### **Relevant Policy Context:**

NPPF Section 8 – Promoting Healthy and Safe Communities  
West Oxfordshire Local Plan 2031: Policy OS5 - Supporting Infrastructure

### *Policing/community safety*

- 12.8 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, paras 92 and 97).

- 12.9 West Oxfordshire Community Safety Partnership (WOCSP) bring together key partners including West Oxfordshire District Council (WODC), Thames Valley Police (TVP), Probation service, Oxfordshire County Council (Adult social care, Fire and rescue, Public health and Children's services), and the BOB Integrated Care Board working towards a shared goal of creating safer communities in which to live, work and visit. The partnership uses shared intelligence to prevent and reduce crime, disorder and fear of crime, and to develop safer communities.
- 12.10 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.
- 12.11 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.
- 12.12 Contributions may be via 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.
- 12.13 It is anticipated that other smaller developments will contribute through the Community Infrastructure Levy (CIL) once introduced in West Oxfordshire.

### **Police and Community Safety - summary of developer contribution to be sought:**

The five strategic development areas allocated in the West Oxfordshire Local Plan 2031 will be expected to make an appropriate contribution towards police and community safety infrastructure.

In some cases and where appropriate, provision may be sought by way of land or buildings.

Provision towards police and community safety infrastructure will be secured by way of a Section 106 legal agreement.

Planning conditions will also be used as appropriate.

### **Relevant Policy Context:**

NPPF Section 8 – Promoting Healthy and Safe Communities  
West Oxfordshire Local Plan 2031: Policy OS5 - Supporting Infrastructure

## Ambulance Service

- 12.14 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.
- 12.15 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.
- 12.16 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 via land provision and/or financial contributions towards new infrastructure and will be secured by way of a Section 106 legal agreement.
- 12.17 It is anticipated that other smaller developments will contribute through the Community Infrastructure Levy (CIL) once introduced in West Oxfordshire.

### **Ambulance Service - summary of developer contribution to be sought:**

The five strategic development areas allocated in the West Oxfordshire Local Plan 2031 will be expected to make an appropriate contribution towards ambulance services and infrastructure.

In some cases and where appropriate, provision may be sought by way of land or buildings.

Provision towards ambulance service infrastructure will be secured by way of a Section 106 legal agreement.

Planning conditions will also be used as appropriate.

### **Relevant Policy Context:**

NPPF Section 8 – Promoting Healthy and Safe Communities  
West Oxfordshire Local Plan 2031: Policy OS5 - Supporting Infrastructure

### **13. Employment, skills and training**

- 13.1 Paragraphs 81- 83 of the NPPF makes clear that significant weight should be placed on the need to support economic growth and productivity, taking into account both local business needs and wider opportunities for development. This approach is reflected in the economic objectives of the Council's Local Plan and in particular Core Objective 7 which aims to support sustainable economic growth by adding value to the local economy, providing a diversity of jobs and improving skills and work readiness.
- 13.2 The Council is supported by the Oxfordshire Local Economic Partnership (OxLEP) who help deliver opportunities for economic prosperity across the County. They have produced a Strategic Economic Plan (2016), which is currently being reviewed and this commits to increasing apprenticeships and increasing skills in Science, Technology, Engineering and Maths. More recently they have also produced the Oxfordshire Local Industrial Strategy (2019) and Economic Recovery Plan (2021). In addition, The Oxfordshire Skills Strategy developed by the Skills Board sets out the strategic priorities necessary to support economic growth.
- 13.3 The District Council 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. As set out in the Local Plan<sup>28</sup>, the District Council will seek to encourage the use of community employment plans (CEPs) in larger developments (typically 1,000 or more homes and/or 4,000 sqm of floorspace).
- 13.4 CEPs can be sought, where appropriate, for the construction phase of a development and, in some cases, for the end-use phase of development. Where a developer can justify to the Council that a CEP is not the best method to secure skills and training, then an alternative contribution may be sought to provide skills and training opportunities for the local community.

#### **Community Employment Plans (CEPs) - summary of developer contributions to be sought:**

Community Employment Plans (CEP) will be encouraged in respect of residential developments consisting of 1,000 or more dwellings and commercial developments of 4,000 sqm or more.

Where such plans are put in place, they will be secured through either a Section 106 legal agreement or planning condition as appropriate.

#### **Relevant Policy Context:**

NPPF Section 6 – Building a strong, competitive economy  
West Oxfordshire Local Plan 2031: Policy OS5 - Supporting Infrastructure

## 14. Waste and recycling/waste management

- 14.1 Paragraph 8 of the NPPF highlights environmental objectives which includes the need to minimise waste and pollution.
- 14.2 The Waste (England and Wales) Regulations 2011 requires local authorities to manage waste. The District Council is responsible for the collection of waste and recycling from domestic properties as the waste collection authority (WCA). The Council also provides all street cleansing services, including the provision of litter and dog waste bins.
- 14.3 Oxfordshire County Council 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*

- 14.4 The District Council 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.
- 14.5 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*

- 14.6 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 or enhanced HWRC site that will serve the development. This will be secured by way of a Section 106 legal agreement.
- 14.7 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.
- 14.8 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. In addition, OCC may wish to apply for CIL receipts to be used at waste and recycling centres where appropriate. Please refer to Oxfordshire County Council's [Guide to Developer Contributions](#) for further information.

## **Waste and recycling/waste management - summary of developer contributions 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.

For larger residential schemes of 10 or more dwellings, the Council will, where necessary, directly, fairly and reasonably related in scale and kind to the development, seek to secure contributions towards off-site waste recycling and management infrastructure including household waste recycling centre (HWRC) sites.

This will be secured through a Section 106 legal agreement.

### **Relevant Policy Context:**

NPPF Section 8 – Promoting Healthy and Safe Communities  
West Oxfordshire Local Plan 2031: Policy EH8 – Environmental Protection and Policy OS5 - Supporting Infrastructure

## **15. Utilities**

- 15.1 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.
- 15.2 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.



- 15.3 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.
- 15.4 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.
- 15.5 In respect of telecommunications, paragraph 114 of the NPPF requires Council's to prioritise full fibre connections to existing and new developments. The vital need for high quality telecommunication infrastructure became particularly apparent in 2020 due to the Covid-19 pandemic which has changed the way we work and communicate in the long term.
- 15.6 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 a planning condition.

### **Utilities - summary of developer contributions to be sought:**

For larger residential proposals of 10 or more 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 normally be secured through a planning condition.

### **Relevant Policy Context:**

NPPF Section 10 – Supporting high quality communications  
West Oxfordshire Local Plan 2031: Policy OS5 - Supporting Infrastructure



## Part 3 - Specific Procedural matters

### 16. Viability

- 16.1 Developer contributions are an additional ‘cost’ to a developer alongside other costs such as land purchase, construction, 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.
- 16.2 National policy on viability is clear. The NPPF at paragraph 58 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’.*
- 16.3 Given that the West Oxfordshire Local Plan was adopted relatively 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.
- 16.4 Where an applicant is able to robustly demonstrate 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 developer contributions. Other bodies (e.g. Oxfordshire County Council) will be involved in such discussions as appropriate.
- 16.5 In some instances, the Council may need to seek independent professional advice on viability matters, the cost of which will need to be borne by the applicant.

### 17. Legal and Administration Fees

- 17.1 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.
- 17.2 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.
- 17.3 Unilateral undertakings will be subject to an administration charge to cover legal costs and the transfer of money to third parties where necessary.



17.4 Please note that financial contributions payable to Oxfordshire County Council will be subject to a different process and developers should refer to OCC's [Guide to Developer Contributions](#) or contact the Oxfordshire County Council Infrastructure Funding Team for further information.

17.5 Partners or key stakeholders e.g. Police or Health bodies (e.g. ICB) may be required to sign an indemnity agreement and ensure contributions are spent in accordance with the Section 106 Agreement. Appendix 3 provides an example of a draft indemnity agreement.

## **18. Timing / phasing of payments**

18.1 The District 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.

18.2 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.

18.3 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 (OCC) will be subject to a different process as set out in OCC's Guide to Developer Contributions. It should be noted that OCC may require a bond as security for the payment of contributions or in relation to the delivery of infrastructure, as well as the potential need for forward funding.

18.4 All receipts and spending of financial contributions will be recorded and monitored by the District Council and reported annually through the Council's Infrastructure Funding Statement (IFS). There may be instances where financial contributions are required to be refunded, for example where infrastructure is delivered ahead of a planning obligation.

## **19. Indexation**

19.1 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.

19.2 Payments will be subject to an inflation factor (normally RPI or CPI or BCIS all in tender price index) 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.

19.3 Please be aware that payments made to Oxfordshire County Council may be subject to different measures of inflation.

## **20. Interest on late payments**

- 20.1 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 may 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.
- 20.2 The District 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.

## **21. Monitoring and enforcement**

### *Monitoring*

- 21.1 The Council monitors 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 will be charged as appropriate. Further information on the fees that will be applied is set out at Appendix 3.

### *Enforcement*

- 21.2 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.
- 21.3 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.

## **22. Dispute resolution**

- 22.1 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.



## **23. The importance of early engagement and transparency**

- 23.1 Developer contributions are an important issue locally because of the potential benefits that can accrue for local communities. In working up development proposals, developers are therefore encouraged to enter into early dialogue with Town and Parish Councils and other relevant stakeholders to understand any local ambitions and priorities that may be able to be facilitated through the development and to allow time for these bodies to engage at an early stage with the Local Authority.
- 23.2 The District Council will endeavour to work pro-actively and transparently with Town and Parish Councils and other relevant stakeholders including Oxfordshire County Council in terms of securing and spending contributions.
- 23.3 Details of monies and other contributions received, allocated and spent/delivered will be set out in the District Council's annual Infrastructure Funding Statement (IFS).

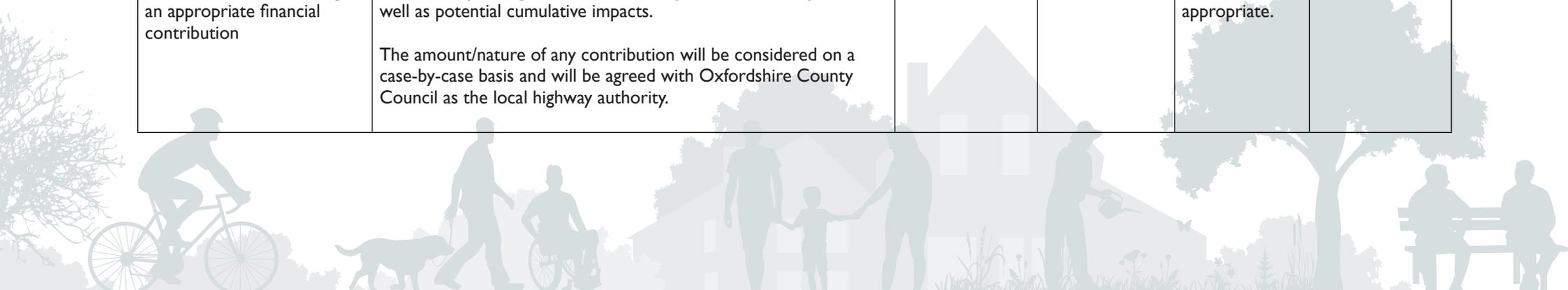


# Appendices

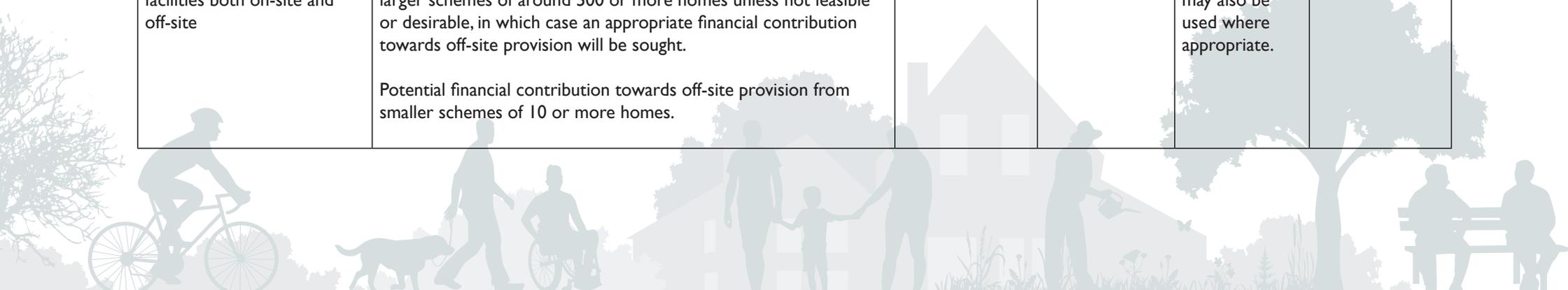
## Appendix I - Summary table of potential developer contributions by type and anticipated mechanism

| Infrastructure item                                                                                        | Relevant thresholds/requirements                                                                                                                                                                                                                                                      | Developer contributions by anticipated mechanism |                       |     |                    |
|------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|-----------------------|-----|--------------------|
|                                                                                                            |                                                                                                                                                                                                                                                                                       | Section 106 agreement                            | Section 278 agreement | CIL | Planning Condition |
| Affordable Housing on-site (where applicable)                                                              | On-site provision on sites of 11 or more market units or which have a maximum combined gross floorspace of more than 1,000 sq.m). (50%, 40% and 35% in the high, medium and lower value zones respectively).                                                                          | ✓                                                |                       |     |                    |
| Affordable Housing off-site financial contribution (where applicable)                                      | Within the Cotswolds AONB on sites of 6-10 units and which have a maximum combined gross floorspace of no more than 1,000 sq.m) provide a financial contribution towards off-site affordable housing. Current rate is £100 per sq.m based on gross internal area (GIA <sup>29</sup> ) | ✓                                                |                       |     |                    |
| Custom/self-build housing                                                                                  | 5% provision of serviced residential plots for the purpose of self/custom-build on larger residential schemes of 100 or more homes                                                                                                                                                    | ✓                                                |                       |     |                    |
| Custom/self-build housing – other smaller schemes put forward for the express purpose of custom/self-build | Other smaller schemes will be secured through an appropriate planning obligation or planning condition.                                                                                                                                                                               | ✓                                                |                       |     | ✓                  |

| Infrastructure item                                                                                                            | Relevant thresholds/requirements                                                                                                                                                                                                                                                                                                                                                                                                                                      | Developer contributions by anticipated mechanism |                       |                                                  |                    |
|--------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|-----------------------|--------------------------------------------------|--------------------|
|                                                                                                                                |                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | Section 106 agreement                            | Section 278 agreement | CIL                                              | Planning Condition |
| Education provision - both on-site and off-site                                                                                | <p>Generally applies to larger residential schemes of 10 or more dwellings however in some instances, smaller schemes may be assessed depending on their relationship to other developments as well as potential cumulative impacts.</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> | ✓                                                |                       | CIL receipts may also be used where appropriate. |                    |
| Highways and access improvements both on-site and off-site                                                                     | <p>Generally applies to larger residential schemes of 10 or more dwellings however in some instances, smaller schemes may be assessed depending on their relationship to other developments as well as potential cumulative impacts.</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>                                                   | ✓                                                | ✓                     | CIL receipts may also be used where appropriate. |                    |
| Public transport services and infrastructure provision both on-site and off-site through an appropriate financial contribution | <p>Generally applies to larger residential schemes of 10 or more dwellings however in some instances, smaller schemes may be assessed depending on their relationship to other developments as well as potential cumulative impacts.</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>                                                   | ✓                                                | ✓                     | CIL receipts may also be used where appropriate. |                    |



| Infrastructure item                                           | Relevant thresholds/requirements                                                                                                                                                                                                                                                                                                                                                                                                         | Developer contributions by anticipated mechanism |                       |                                                  |                    |
|---------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|-----------------------|--------------------------------------------------|--------------------|
|                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                          | Section 106 agreement                            | Section 278 agreement | CIL                                              | Planning Condition |
| Healthy and active travel provision both on-site and off-site | <p>Generally applies to larger residential schemes of 10 or more dwellings however in some instances, smaller schemes may be assessed depending on their relationship to other developments as well as potential cumulative impacts.</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>                      | ✓                                                | ✓                     | CIL receipts may also be used where appropriate. |                    |
| Travel Plans                                                  | <p>Travel plans can be sought on a wide range of planning applications including retail, leisure, employment, residential and mixed use schemes as appropriate.</p> <p>Generally applies to schemes of 10 or more dwellings where appropriate and larger non-residential schemes.</p> <p>Travel Plans typically include a range of measurable actions and targets which can be monitored throughout the lifetime of the development.</p> | ✓                                                |                       |                                                  | ✓                  |
| Indoor sport and leisure facilities both on-site and off-site | <p>On-site provision of indoor sport and leisure facilities sought for larger schemes of around 500 or more homes unless not feasible or desirable, in which case an appropriate financial contribution towards off-site provision will be sought.</p> <p>Potential financial contribution towards off-site provision from smaller schemes of 10 or more homes.</p>                                                                      | ✓                                                |                       | CIL receipts may also be used where appropriate. |                    |



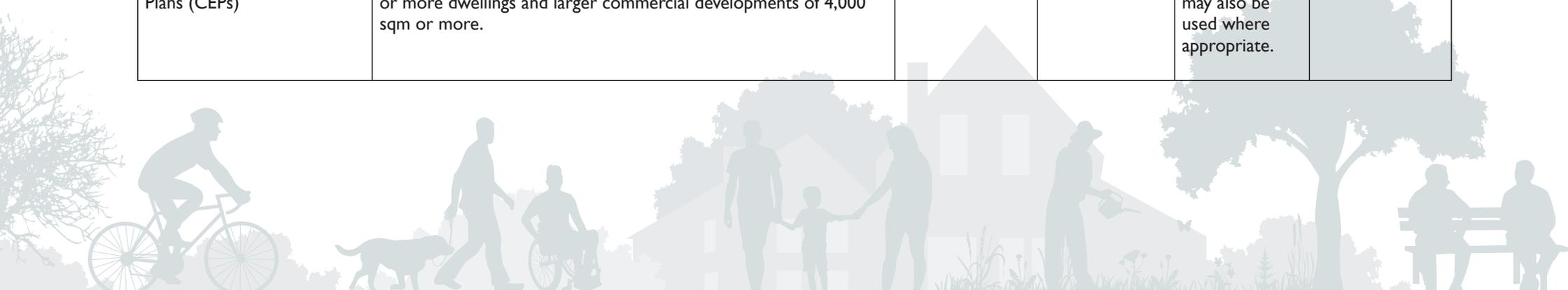
| Infrastructure item                                                                  | Relevant thresholds/requirements                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 | Developer contributions by anticipated mechanism |                       |                                                  |                    |
|--------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|-----------------------|--------------------------------------------------|--------------------|
|                                                                                      |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  | Section 106 agreement                            | Section 278 agreement | CIL                                              | Planning Condition |
| Outdoor sports provision (e.g. playing pitches and courts) both on-site and off-site | <p>On site provision sought for larger residential schemes of around 50 or more homes unless not feasible or desirable, in which case an appropriate financial contribution towards off-site provision will be sought.</p> <p>Potential financial contribution towards off-site provision from smaller schemes of 10 or more homes.</p> <p>Provision based on an indicative quantitative requirement of at least 1.6 ha per 1,000 population (applied on a pro-rata basis).</p>                                                                                                                                                                                                                                                                                                                  | ✓                                                |                       | CIL receipts may also be used where appropriate. |                    |
| Play areas both on-site and off-site                                                 | <p>Residential schemes of 10 or more homes to make appropriate provision for play.</p> <p>As a general guide:</p> <ul style="list-style-type: none"> <li>• Local Area for Play (LAP and/or Local Equipped Area for Play (LEAP) to be sought in relation to residential schemes of 10 or more homes;</li> <li>• Multi-Use Games Area (MUGA) or other outdoor provision (e.g. skatepark) to be sought on-site for larger residential schemes of around 200 or more homes</li> <li>• Neighbourhood Equipped Area for Play (NEAP) to be sought on-site for larger residential schemes of around 250 or more homes</li> </ul> <p>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.</p> | ✓                                                |                       | CIL receipts may also be used where appropriate. |                    |

| Infrastructure item                                                    | Relevant thresholds/requirements                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     | Developer contributions by anticipated mechanism |                       |                                                  |                    |
|------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|-----------------------|--------------------------------------------------|--------------------|
|                                                                        |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | Section 106 agreement                            | Section 278 agreement | CIL                                              | Planning Condition |
| Allotments and other community growing space both on-site and off-site | <p>On site provision sought for larger residential schemes of 50 or more homes unless not feasible in which case an appropriate financial contribution will be sought towards off-site provision or enhancements to be made.</p> <p>Provision to be based on an indicative quantitative requirement of at least 0.25 ha per 1,000 population (applied on a pro-rata basis).</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | ✓                                                |                       | CIL receipts may also be used where appropriate. |                    |
| Other Green Space both on-site and off-site                            | <p>Amenity green space sought on-site for residential schemes of 10 or more homes based on an indicative quantitative requirement of at least 0.7 ha per 1,000 population (applied on a pro-rata basis) which may be combined with natural / semi-natural green space provision – see below.</p> <p>Natural and semi-natural green space sought on-site for larger residential schemes of 200 or more homes with consideration given to the desirability/feasibility of provision on smaller residential schemes. Based on an indicative quantitative requirement of 2 ha per 1,000 population (applied on a pro-rata basis).</p> <p>Parks and gardens sought on-site for larger residential schemes of 200 or more homes based on an indicative quantitative requirement of at least 1 ha per 1,000 population of publicly accessible space.</p> <p>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.</p> | ✓                                                |                       | CIL receipts may also be used where appropriate. |                    |

| Infrastructure item                                                                                 | Relevant thresholds/requirements                                                                                                                                                                                                                                                                                      | Developer contributions by anticipated mechanism |                       |                                                  |                    |
|-----------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|-----------------------|--------------------------------------------------|--------------------|
|                                                                                                     |                                                                                                                                                                                                                                                                                                                       | Section 106 agreement                            | Section 278 agreement | CIL                                              | Planning Condition |
| Public Rights of Way                                                                                | All development which will impact on an existing right of way will be required to mitigate the impacts to protect existing countryside access.                                                                                                                                                                        | ✓                                                |                       | CIL receipts may also be used where appropriate. |                    |
| Biodiversity mitigation and enhancement                                                             | All development will be expected to incorporate on-site mitigation and enhancement measures as appropriate.<br><br>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. | ✓                                                |                       | CIL receipts may also be used where appropriate. | ✓                  |
| Air Quality                                                                                         | Schemes of 10 or more homes and larger non-residential developments of more than 1,000 sq.m which demonstrably increase vehicular movements within an AQMA                                                                                                                                                            | ✓                                                |                       | CIL receipts may also be used where appropriate. |                    |
| Flood risk, water management and sustainable drainage both on-site and off-site                     | On and off site flood risk management/ associated drainage infrastructure and water quality, including the provision of land to support the development, as appropriate.                                                                                                                                              | ✓                                                |                       | CIL receipts may also be used where appropriate. |                    |
| Archaeology                                                                                         | Mitigation of potential impacts as appropriate.                                                                                                                                                                                                                                                                       |                                                  |                       |                                                  | ✓                  |
| Public Realm and Public Art both on-site and off-site through an appropriate financial contribution | Provision and maintenance of public realm improvements and public art to be sought from larger residential developments of 10 or more homes.                                                                                                                                                                          | ✓                                                |                       | CIL receipts may also be used where appropriate. | ✓                  |

| Infrastructure item                                                                          | Relevant thresholds/requirements                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | Developer contributions by anticipated mechanism |                       |                                                  |                    |
|----------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|-----------------------|--------------------------------------------------|--------------------|
|                                                                                              |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            | Section 106 agreement                            | Section 278 agreement | CIL                                              | Planning Condition |
| Community facilities both on-site and off-site through an appropriate financial contribution | <p>Requirement to make appropriate provision expected to apply to the five strategic sites allocated in the West Oxfordshire Local Plan 2031.</p> <p>In some instances, it may also be appropriate to provide some sort of community space as part of smaller developments (e.g. to support the cumulative impact of growth or to support a particular need such as the provision of specialist housing for a particular group or groups). This will be considered on a case-by-case basis.</p> <p>Potential financial contribution to be sought from smaller residential schemes of 10 or more homes.</p> | ✓                                                |                       | CIL receipts may also be used where appropriate. |                    |
| Community Services (libraries, museums, adult and children support services)                 | <p>Requirement to make appropriate provision expected to apply to the five strategic sites allocated in the West Oxfordshire Local Plan 2031.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                          | ✓                                                |                       | CIL receipts may also be used where appropriate. |                    |
| Burial space both on-site and off-site                                                       | <p>Requirement to make appropriate provision expected to apply to the five strategic sites allocated in the West Oxfordshire Local Plan 2031 where there is an identified need.</p> <p>Larger residential schemes may also 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.</p> <p>As a general guide, a threshold of 50 or more dwellings will be used depending on local circumstances including identified need.</p>                                                  | ✓                                                |                       | CIL receipts may also be used where appropriate. |                    |

| Infrastructure item                                                                                | Relevant thresholds/requirements                                                                                                               | Developer contributions by anticipated mechanism |                       |                                                  |                    |
|----------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|-----------------------|--------------------------------------------------|--------------------|
|                                                                                                    |                                                                                                                                                | Section 106 agreement                            | Section 278 agreement | CIL                                              | Planning Condition |
| Primary and Secondary Health Care and Extra-Care both on-site and off-site                         | Requirement to make appropriate provision expected to apply to the five strategic sites allocated in the West Oxfordshire Local Plan 2031.     | ✓                                                |                       | CIL receipts may also be used where appropriate. |                    |
| Fire and rescue both on-site and off-site through an appropriate financial contribution            | Requirement to make appropriate provision expected to apply to the five strategic sites allocated in the West Oxfordshire Local Plan 2031.     | ✓                                                |                       | CIL receipts may also be used where appropriate. | ✓                  |
| Policing /community safety both on-site and off-site through an appropriate financial contribution | Requirement to make appropriate provision expected to apply to the five strategic sites allocated in the West Oxfordshire Local Plan 2031.     | ✓                                                |                       | CIL receipts may also be used where appropriate. |                    |
| Ambulance service both on-site and off-site through an appropriate financial contribution          | Requirement to make appropriate provision expected to apply to the five strategic sites allocated in the West Oxfordshire Local Plan 2031.     | ✓                                                |                       | CIL receipts may also be used where appropriate. |                    |
| Community Employment Plans (CEPs)                                                                  | To be encouraged in relation to larger residential schemes of 1,000 or more dwellings and larger commercial developments of 4,000 sqm or more. | ✓                                                |                       | CIL receipts may also be used where appropriate. | ✓                  |



| Infrastructure item                  | Relevant thresholds/requirements                                                                                                                                                                                                                                                        | Developer contributions by anticipated mechanism |                       |                                                  |                    |
|--------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------|-----------------------|--------------------------------------------------|--------------------|
|                                      |                                                                                                                                                                                                                                                                                         | Section 106 agreement                            | Section 278 agreement | CIL                                              | Planning Condition |
| Waste and recycling/waste management | <p>All residential development to provide on-site recycling/ refuse containers and any associated facilities.</p> <p>Potential financial contribution to be sought from residential schemes of 10 or more dwellings towards off-site waste recycling and management infrastructure.</p> | ✓                                                |                       | CIL receipts may also be used where appropriate. | ✓                  |
| Utilities                            | Residential schemes of 10 or more dwellings homes should provide infrastructure for utilities which is not funded by the utility providers.                                                                                                                                             | ✓                                                |                       |                                                  | ✓                  |



## Appendix 2 - Sport and Leisure S106 worked up examples

Below are three worked up examples which can be used as a guide to estimate the approximate level of contribution required towards sport and leisure infrastructure from development.

150 new homes in the West Oxfordshire area is estimated to generate a population of 360 (using the average household size for the area of 2.4).

**Sports Hall provision** – This would all be backed up with the strategic need from the Facility Planning Model run conducted by Sport England in 2020.

Sport England's Sports Facility Calculator (SFC) assumes a 1 badminton court requirement for a population growth of 3600.

Therefore a population increase of 360 would generate a need of an additional 0.10 badminton courts ( $1/3600 \times 360$ ).

Based on Sport England's latest costings\* the SFC estimates that the cost of providing the identified need of 0.10 badminton courts is £73,328.

\*Sport England Quarter 3, 2022 facility costs

**Pool Provision** - This would all be backed up with the strategic need from the Facility Planning Model run conducted by Sport England in 2020.

Sport England's Sports Facility Calculator (SFC) assumes a 1 25m swimming lane (53.18 m<sup>2</sup>) requirement for a population growth of 5000.

Therefore a population increase of 360 would generate a need of an additional 3.83 m<sup>2</sup> water space ( $53.18/5000 \times 360$ ).

Based on Sport England's latest costings\*\* the SFC estimates that the cost of providing the identified need of 3.83 m<sup>2</sup> water space is £81,078.

\*\*Sport England Quarter 3, 2022 facility costs

**Outdoor Sports provision** - This would all be backed up with the strategic need from the Playing Pitch Strategy completed in 2022.

Based on the cost of provision and future maintenance of football pitches (the cheapest form of outdoor sports facility) over a 15-year period at a standard of 1.6ha per 1,000 population.

A football pitch of 0.742ha, a provision cost of £105,000 (Sport England Facility Costs third Quarter 2022) and a commuted maintenance cost of £240,975 per pitch (Sport England Life Cycle Costings Natural Turf Pitches second Quarter 2021), would equate to £746,038 per 1,000 population or £1,790 per dwelling (at an average occupancy of 2.4 persons per dwelling).

$150 \times 1,790 = 268,500$

Based on Sport England Facility costs and lifecycle costings the cost for providing the required playing pitch provision is £268,500.

## Appendix 3 – Monitoring Fees

### Introduction

The completion of a planning obligation involves the District Council in various administrative /monitoring duties and responsibilities, which places a cost burden on the authority.

Part 10 of the Community Infrastructure Levy (Amendment) (England) Regulations 2019 permits the Council to secure fees to monitor and report on planning obligations contained within a section 106 planning agreement, especially where the scale of the development is complex and needs long-term monitoring.

The sum of any monitoring fee must not exceed the authority's estimate of its costs of monitoring the development over the lifetime of the planning obligation(s).

In addition, where the Community Infrastructure Levy (CIL) is in place, 5% of any CIL receipts are able to be spent on administrative expenses.

### Monitoring fees applicable in West Oxfordshire

Below is the schedule of the monitoring fees that apply in West Oxfordshire:

|                                                                                            |                                                 |
|--------------------------------------------------------------------------------------------|-------------------------------------------------|
| <b>Registration charge</b>                                                                 | <b>£500</b>                                     |
| <b>Monitoring charges:</b>                                                                 |                                                 |
| <b>Less than 10 dwelling units</b>                                                         | <b>£500</b>                                     |
| <b>10 - 100 dwellings units</b>                                                            | <b>£1,000</b>                                   |
| <b>101 - 250 dwelling units</b>                                                            | <b>£5,000</b>                                   |
| <b>251+ dwelling units</b>                                                                 | <b>£10,000</b>                                  |
| <b>Strategic Development Areas (as identified in the West Oxfordshire Local Plan 2031)</b> | <b>To be negotiated on a case-by-case basis</b> |

The fee schedule follows a common approach of charging by housing numbers. A similar schedule is used by Cherwell District Council and also Cotswold District Council which is a partner authority to West Oxfordshire. It has the advantage of being simple, transparent and easy to calculate.

The fee schedule also meets both the tests set out in the CIL regulations as the fees are considered to be fair and reasonable and would not exceed the authority's estimate of its cost of monitoring the development over the lifetime of the planning obligations.

The schedule would not cover developments which are considered strategic sites as identified in the local plan. Such developments involve more complex monitoring. For each strategic site, the Council will negotiate the required fees based on the estimated cost of monitoring these sites. The fee will be calculated on a yearly basis and should be paid each year for the anticipated duration of the development. Note that the current local plan has five strategic sites (including Salt Cross Garden Village) for which the monitoring fee will be negotiated.

All S106 agreements, including Deeds of Variation, would be subject to a registration charge of £500 to cover the cost of registering the agreement and its obligation on the system. The majority of S106 agreements in the district relate to housing developments, where the monitoring work involved increases in relation to the size of the development. The remainder of the monitoring charge would therefore be based on the amount of houses being delivered.

Payment of the registration fee would be required upon completion of the agreement. The remainder of the monitoring fee would become due upon commencement of the development. The fees would not be refundable if the development does not go ahead or is halted halfway.

The monitoring fee will be reviewed on a regular basis (24 months) and the fee will be used in respect of the following:

- Updating and maintaining the District Council's planning obligations database;
- Ensuring that all the financial obligations in agreements are met (excluding taking enforcement/legal action);
- Providing calculations, sending invoices and receiving payments;
- Ensuring financial contributions are used for the specific purpose outlined in the obligation;
- Keeping and maintaining transparent accounting procedures;
- Providing regular updates for Councillors, Cabinet, Scrutiny Committees and the wider community
- Preparing and publishing the annual Infrastructure Funding Statement, which requires active monitoring of S106 agreements, reporting the securing, receipt and spending of contributions
- Tasks undertaken by the Housing team including resolving any issues arising which could impact on affordable housing delivery in line with agreed timescales and conditions.



**APPENDIX 4**

**DRAFT PROPOSED INDEMNITY AGREEMENT**

Dated 2023

**WEST OXFORDSHIRE DISTRICT COUNCIL**

**AND**

[ ]

**RECEIPT FOR MONIES ARISING UNDER PLANNING AGREEMENT**

Pursuant to Section 106 of the Town and County Planning Act 1990

Relating to

[Development Site Planning Reference no.]

West Oxfordshire District Council

**THIS AGREEMENT** is made on the [insert date as number] day of [insert month] Two Thousand and Twenty Three

## **BETWEEN:**

1. **WEST OXFORDSHIRE DISTRICT COUNCIL** of [insert address ] (“the District Council”)

2. [ insert name and address of the Recipient . ] (“the Recipient”)

## **RECITALS**

A. Planning permission was sought from the District Council to carry out the development of [insert the description of the development] and [insert the address of the site/land]

B. The District Council is the Local Planning Authority for the purposes of the Town and Country Planning Act 1990 (As Amended) for the District of West Oxfordshire within which the Application Land/Site is situated

C. On [insert date] the District Council resolved to grant planning permission in accordance with the planning application ref no. and subject to planning conditions and a Section 106 Planning Agreement/Unilateral Undertaking dated [insert date] (“the Deed”)

D. The Recipient [insert name & address] is in receipt of the [name the contribution e.g. Health Contribution or police contribution] which amounts to [£ insert figure and also describe in words and state if inclusive of indexation] and is for [ insert the purpose/ use of the contribution e.g. for the provision of and improvement of health facilities at Surgery]

E. The parties have agreed to enter this indemnity agreement with the intention that the obligations/covenants contained herein may be enforced by the District Council against the Recipient and their respective successors in title, where necessary.

## **THE DISTRICT COUNCIL COVENANTS**

In accordance with [insert the relevant clause nos.] of the [Section 106 planning agreement dated ] The District Council will serve written notice to [insert name and address of the recipient ] . which :-

- a) Advises the [Recipient] that the Deed has been entered into and that it contains an obligation on the Owner to pay the [type of contribution]
- b) Advises the [recipient] of the purpose of the [type of contribution] as set out in the Deed
- c) Advises the [recipient] of the amount of the [type of contribution] and each tranche thereof together with details of the trigger dates for payment and
- d) Requests confirmation from the [recipient] as to which of them the Council should pay the contribution to in accordance with the Deed
- e) The District Council covenants with the Owner to pay the Contribution to the [relevant recipient]

## **THE RECIPIENT COVENANTS**

The Recipient to provide a written undertaking for the benefit of the District Council and

the Owner that it will:-

- a) apply the [ Contribution] in accordance with the purposes set out in the Deed
- b) provide full details of the expenditure of the [ Contribution] on demand to the District Council or the Owner PROVIDED that no such demand shall be made before the expiry of three years from the date of receipt of the [ Contribution] by the District Council and such demands shall not be made more frequently than once a quarter thereafter and
- c) return any unspent or uncommitted part of the [ Contribution] (with any required interest at the Bank of England Base rate from time to time that has accrued thereon in the period from the date of receipt by the District Council to the date of repayment) to the District Council after expiry of five years from the date of receipt of the Health Contribution by the District Council regardless of when the same was paid to the relevant Health Body.
- d) to co-operate fully and to provide such information as is reasonably requested by the District Council in the event that repayment of the [ Contribution] is sought by the Owner under the terms of the Deed and
- e) to notify the District Council immediately in writing of any instances of fraud or misappropriation of the [ Contribution] and
- f) to indemnify the District Council in respect of all claims made against the District Council for repayment of the [ Contribution] including (but not limited to) legal costs and interest awarded against the District Council arising from the repayment of the [ Contribution].

IN WITNESS WHEREOF this Agreement is executed as a DEED in the manner hereinafter appearing the day and year first before written

The COMMON SEAL of

**WEST OXFORDSHIRE DISTRICT COUNCIL**

was hereunto affixed in the presence of:-

Authorised Signatory

Signed as a deed by in the presence of

**THE COMMON SEAL of The RECIPIENT** e.g.

Signed as a deed by in the presence of



WEST OXFORDSHIRE  
DISTRICT COUNCIL