



WEST OXFORDSHIRE  
DISTRICT COUNCIL

## **Developer Contributions SPD Consultation**

### **List of Responses**

This document sets out responses submitted to the consultation on the Developer Contributions Supplementary Planning Document (SPD) which was undertaken between 9 November and 21 December 2020.

You can scroll through the responses or click on a name below to view a particular response.

Personal details including postal address, signatures and email addresses of individual respondents have been removed.

Aston, Cote, Shifford and Chimney Parish Council  
Bampton Parish Council  
Barton Willmore on behalf of Goldfield Estates and Pandora Properties (Jansons)  
Blenheim Estates  
Bloombridge  
Blue Cedar Homes  
Charlbury Town Council  
Crawley Parish Council  
David Lock Associates  
David Miles  
Edgars on behalf of Burrington Estates Midlands Ltd  
Eynsham Parish Council  
Gladman Developments  
Harry St John  
Historic England  
Inspired Villages  
Rosalind Kent  
Natural England  
NHS Oxfordshire Clinical Commissioning Group  
Oxfordshire County Council  
Prior + Partners  
Ruth Smith  
Sport England  
Turley on behalf of North Witney Land Consortium  
Vale of White Horse District Council  
Vicky Gwatkin  
Witney Town Council



# Developer Contributions SPD (Draft)

## Representation Form

REF:

(For Official Use Only)

Name of the Document to  
which this representation  
relates:

WODC Developer Contributions  
Supplementary Document

**Please Return to West Oxfordshire District Council by 5pm, Monday 21 December 2020**

**By Post:** Planning Policy,  
West Oxfordshire District Council,  
Elmfield,  
New Yatt Road,  
Witney,  
Oxon.  
OX28 1PB

**Or by Email:** [planning.policy@westoxon.gov.uk](mailto:planning.policy@westoxon.gov.uk)

**This form has two parts-**

**PART A – Personal Details**

**PART B – Your Representation(s).**

**Please fill in a separate sheet for each representation you wish to make**

### PART A

#### 1. Personal Details

#### 2. Agent's Details (If applicable)

Title	Mrs	
First Name	Elaine	
Last Name	Anstee	
Job Title	Parish Clerk	
Organisation	Aston, Cote, Shifford and Chimney Parish Council	
Address Line 1		
Line 2		
Line 3		
Line 4		
Post Code		
Telephone Number		
Email Address		



## Developer Contributions SPD (Draft)

### Representation Form

REF:

(For Official Use Only)

#### **PART B – Please use a separate sheet for each representation**

Name or Organisation:

3. To which part of the SPD does this representation relate?

Paragraph

Table

General - Yes

4. Please give details of your response below, include as much information and detail as you can.

As a guide to WODC's approach to securing the new and improved infrastructure necessary to support future growth through developer contributions (CIL and 'planning obligations' - Section 106 and Section 278 money), the proposed document is actually quite useful.

The Parish Council therefore welcomes this specific document and offers no further comment on the content per se, but reiterate the earlier concerns over the proposed charging schedule expressed in the letter sent in August 2020 in response to the first consultation. Specifically 'why the 5 strategic sites in the District will be exempt from CIL altogether, thus surrendering £40 million of potential revenue to the pockets of the developers rather than addressing the already alarming infrastructure funding gap alluded to previously.'

9. Signature

[Redacted Signature]

Date 09/12/2020

**Bampton Parish Council's Response to  
West Oxfordshire District Council  
Developer Contributions  
Supplementary Planning Document (SPD)  
Draft for Consultation**

December 14 2020

**Viability**

We are concerned that this clause can be used as way to avoid all CIL payments. Developers can simply claim that their scheme cannot 'afford' such payments and then have the obligation to pay them revoked. We understand this has already been the case with several large upcoming schemes. There seems little point in having legislation to compensate communities if there is a loophole which can easily be exploited

**CIL on smaller developments**

We are very concerned that the CIL will be levied on smaller as well as larger housing schemes. This penalises exactly the sort of development that helps villages grow organically. By imposing the CIL on even single dwellings, it will discourage small developments, including self-build. Having to pay an extra £20,000 or so on just one house will very likely make such plans unviable.

It seems unfair and counterproductive to force small developers to pay the CIL when the larger ones seem to be able to argue their way out of paying their fair share.

The consequence of penalising smaller developments, which could be distributed through a number of villages, is that only the larger schemes will go forward. These will all be focussed on villages in the Lowlands Area, which have already taken the brunt of considerable development.

It is our view that developments of under 2 houses should not have to pay the CIL.

**Distribution of the CIL**

Given that the CIL is designed to compensate communities for development, it seems unreasonable that a mere 15% is earmarked for the community, via the Parish Council. This means that 85% can be removed and spent outside the locality. This contradicts the whole idea of the CIL.

We suggest at least 50% is given to the Parish Council so they can make real and local compensation.



Planning Policy Team,  
West Oxfordshire District Council,  
Elmfield,  
New Yatt Road,  
WITNEY.  
OX28 1PB

27352/A3/EF/COM/dw

**BY EMAIL: [planning.policy@westoxon.gov.uk](mailto:planning.policy@westoxon.gov.uk)**

17<sup>th</sup> December, 2020

Dear Sir/Madam,

**DEVELOPER CONTRIBUTIONS SUPPLEMENTARY PLANNING DOCUMENT -  
CONSULTATION - REPRESENTATIONS SUBMITTED ON BEHALF OF GOLDFIELD ESTATES  
LTD AND PANDORA PROPERTY LTD (JANSON'S PROPERTY)**

On behalf of our Clients Goldfield Estates Ltd and Pandora Properties Ltd (Jansons Property), we are pleased to set out below representations in response to West Oxfordshire District Council's (WODC's) consultation on the draft Developer Contributions Supplementary Planning Document (SPD).

Jansons Property supports the preparation of a Developer Contribution SPD to help provide certainty and guidance on the general approach to requests for contributions and the application of a proportionate approach to ensure obligations are fair, reasonable and justified in accordance with the tests set out in Regulation 122(2) of the Community Infrastructure Level Regulations 2010 (as amended).

As a developer with land interests within the West Eynsham Strategic Development Area (SDA), Jansons is committed to working collaboratively with WODC and indeed other stakeholders, including the local community, to ensure the timely delivery of the SDA consistent with Local Plan aims and objectives to meet local need.

Evidence commissioned by WODC indicates that the five SDA's in the Local Plan, including the West Eynsham SDA, have marginal negative viability due to the significant infrastructure requirements associated with opening up the site and delivery. On this basis, the emerging CIL Charging Schedule consulted upon by WODC earlier in the year proposes a zero CIL charge for the Local Plan SDA's. This is supported by Jansons.

However, in this context Jansons consider that there is a need for flexibility and a more bespoke approach in relation to infrastructure funding and delivery at strategic site allocations, such as the West Eynsham SDA, having regard to the need for comprehensive development, the potential for phased delivery by different landowners and viability considerations.



FS 29637

Registered in England  
Number: 0C342692

Barton Willmore LLP  
Registered Office:  
The Blade  
Abbey Square  
Reading  
RG1 3BE  
F/ +44 (0)118 943 0001

## Relationship with CIL

Jansons welcome the recognition in the draft Developer Contributions SPD that the Community Infrastructure Levy (CIL) (when adopted) together with planning obligations and planning conditions are intended to co-exist as different forms of developer contribution. Changes made to the CIL regulations in 2019 have introduced the possibility to use funds from both CIL and S106 planning obligations to pay towards the same item of infrastructure regardless of how many planning obligations have already contributed. This provides WODC and Oxfordshire County Council (OCC) with much more flexibility on how contributions can be spent.

Jansons support WODC's proposals to flexibly use CIL receipts where necessary to support the broader provision of key infrastructure improvements across the District including where there is a shortfall of funding secured through planning obligations and/or other sources of funding may exist. Whilst the SDA is CIL exempt, it is recognised that CIL receipts from other, non strategic, development within the district and specifically within the Eynsham Area could proportionately contribute to facilitate and support the delivery of wider strategic infrastructure as may be required.

The publication of an Infrastructure Funding Statement will be an important mechanism to monitor CIL and S106 planning obligations and their expenditure against infrastructure items. This will increase transparency and accountability to give communities, but also developer partners, a better understanding of how developer contributions are being used to deliver infrastructure in an area. It should also assist in mitigating the potential risks of double counting contributions via CIL and S106 Obligations towards the same piece of infrastructure.

Jansons request this requirement is identified more explicitly in section 2 'What are Developer Contributions?' and reference is added to confirm that Strategic Development Areas in the Local Plan are proposed to have a zero CIL rating.

## Strategic Development Areas

The Local Plan allocates five strategic site allocations (East Witney, North Witney, East Chipping Norton, Salt Cross Garden Village and West Eynsham) within West Oxfordshire which are vital for the delivery of new homes including affordable housing to meet West Oxfordshire's housing needs. Except for the Garden Village, which will be informed through the preparation and examination of an Area Action Plan, the strategic site allocations are expected to be led by an agreed masterplan and through the preparation of site-specific Development Framework SPDs. The SPDs will identify supporting infrastructure and planning obligations for each respective allocation, and as a result have the potential to overlap with the emerging Developer Contributions SPD. Jansons highlight the need for consistency and clarity in the approach between these emerging SPDs and the requirements for developer contributions.

The Developer Contributions SPD adopts a simple, high level approach to the identification of infrastructure and the mechanism to be used to secure appropriate contributions based primarily on the scale of development proposed.

Whilst this may be effective for smaller scale development, for strategic site allocations in the Local Plan, Jansons consider a site-specific approach towards a S106 Agreement would be more appropriate and allow for a bespoke tailoring of infrastructure demands, phasing and triggers to ensure they are funded, viable, and critically delivered, when required.

It is accepted that, to ensure comprehensive delivery of a strategic allocation and Local Plan policy requirements, it will be necessary to consider the need for applications to provide a proportionate contribution towards wider strategic infrastructure items. The SPD should however recognise the potential for strategic sites to be delivered in this way and the available mechanisms to enable appropriate contributions to be secured from individual phases of delivery.

Flexibility to allow for a more bespoke approach for strategic allocations is considered beneficial for several reasons, it would:

- provide an opportunity to explore alternative approaches to infrastructure delivery which are often only achievable through development at scale.
- facilitate and enable the phased delivery of strategic sites, particularly where they are in several different ownerships and/or being brought forward by a series of independent applications.
- enable developer contributions on strategic site allocations to be negotiated on a case-by-case basis to allow flexibility, for example, where strategic infrastructure requirements relate to more than one development proposal and costs are required to be apportioned on a pro-rata basis having regard to the impact of the proposed development of each site and the appropriate phasing of infrastructure delivery or, where one development provides early infrastructure to support the delivery of a strategic allocation to satisfy, 'a wider than site' generated need which is then able to be offset against future planning obligations.

Jansons continues to work closely with WODC and OCC to bring forward an optimal solution for the West Eynsham SDA and its supporting infrastructure to ensure the comprehensive, but timely, delivery of viable, high quality and sustainable development on this important allocation. Jansons recognise that much of this will be identified as work continues and evolves on the West Eynsham SPD and site-specific evidence base to meet the objectives for the SDA.

## **Infrastructure Items**

### Custom/Self Build Housing

In accordance with Local Plan policies, the strategic development areas are required to set aside 5% of developable plots for those wishing to undertake custom or self-build housing. Having regard to the scale of these allocations and given the anticipated phased delivery via individual applications, the suggested Developer Contributions SPD threshold of applying this to applications for 100 or more homes is not considered to be appropriate for the strategic allocations.

The strategic allocations are required to be delivered in accordance with an agreed masterplan. It is envisaged that such a masterplan will provide an appropriate mechanism to identify the optimum locations within an SDA for the delivery of self-build and custom plots rather than through individual phased applications which independently may not provide the necessary quantum of plots to cluster custom/self-build units.

### Transport and Movement

The Developer Contributions SPD provides generic guidance on anticipated on- and off-site improvements to the highway network, public transport and healthy and active travel on a case-by-case basis. This is supported. There is however no reference to how these contributions may, or may not, tie in with wider investment, for example the HIF funding secured to delivery improvements to the A40. This should be explicitly referred to within the SPD.

### Indoor/Outdoor Sport and Leisure Facilities

It is recognised in the supporting text to these infrastructure items that additional work has been commissioned by WODC to evidence future needs for sport and leisure facilities and that this will be reflected in any further update to the Developer Contributions SPD.

Jansons caution however a prescriptive adoption of a standardised approach in the interim and suggest that the need for sport and recreation facilities and the opportunities for new provision is more flexibly considered on a case-by-case basis determined by a quantitative and qualitative assessment of the local need.

In the context of strategic sites, it is requested that delivery of such infrastructure items is considered comprehensively on an allocation wide basis to enable appropriate provision to be secured across an allocation, with contributions to funding made by several landowners where appropriate. Furthermore, we would recommend the SPD includes further flexibility to enable consideration of the potential to co-locate facilities to accommodate a multi-functional range of education, sport, leisure and community services.

### Other Green Space/Play Space

In keeping with comments made above, the provision of other green space and play space will need to be considered as part of individual phased applications but also comprehensively when such applications form part of the phased delivery of a wider strategic allocation.

It is recognised that WODC have commissioned updates to their evidence base to refine the emerging open space/sports provision standards, however, in the context of the West Eynsham SDA. Jansons object to the emerging conclusions of the West Eynsham Area Infrastructure Delivery Plan (July 2020) which seek to align open space requirements (including the delivery of allotments) with the emerging requirements for the Garden Village.

The SDA is an urban extension to Eynsham, falls outside of the Government's Garden Community Programme and therefore does not carry with it the exemplar Government expectations and principles for new garden communities. The open space requirements, including the provision of allotments, should therefore be consistent with the standards proposed for other SDA's rather than linked with the Garden Village requirements. Jansons request the Developer Contributions SPD recognises this to ensure the same standards are applied to the West Eynsham SDA as the other SDAs rather than aligning with the Garden Village.

### **Summary**

The Developer Contributions SPD adopts a simple, formulaic approach to the identification of infrastructure and the mechanism to be used to secure appropriate contributions based primarily on the scale of development proposed. Whilst this is effective for smaller scale development, the approach is considered too simplistic in the context of the delivery of Local Plan SDAs where a site-specific approach towards a S106 Agreement would better allow for a bespoke tailoring of infrastructure demands, phasing and triggers associated with key infrastructure items to ensure they are funded, viable and delivered when required.

The delivery of the allocated SDAs in the West Oxfordshire Local Plan is intended to be led through the preparation of agreed masterplans and SPDs to guide comprehensive development by setting out key objectives and principles to be addressed as individual applications are taken forward. Emerging SDA SPDs are expected to include content relating to the provision for supporting infrastructure and planning obligations thereby overlapping with the emerging Developer Contributions SPD. Jansons highlight the need for consistency in the approach and requirements for developer contributions between these emerging SPDs.

In the case of development at Eynsham, the approach to securing infrastructure funding and delivery will need to reflect the joint working with WODC, OCC and the strategic scale of development proposed within Salt Cross Garden Village and the West Eynsham SDA, recognising that some elements of strategic infrastructure may be shared.

As set out above, it is, however, vital that this does not tie development at the SDA and Garden Village together through the application of garden village principles and standards on the West Eynsham SDA.

Jansons thereby request that for the purpose of strategic allocations, infrastructure and developer contributions are better established through the site-specific Development Framework SPD. The Developer Contributions SPD should have regard to this content to ensure consistency between the SPDs.

We trust that the enclosed representations are duly made and look forward to receiving confirmation of receipt.

Please contact the writer by emailing [charlotte.omahony@bartonwillmore.co.uk](mailto:charlotte.omahony@bartonwillmore.co.uk) should you require any further information or have any queries.

Yours faithfully,



**CHARLOTTE O'MAHONY**  
Associate

---

**From:** Nigel McGurk [REDACTED]  
**Sent:** 21 December 2020 16:15  
**To:** Planning Policy (WODC)  
**Subject:** Developer Contributions SPD

*Dear Sir or Madam*

*Thank you for the opportunity to comment on the first draft of the Developer Contributions SPD (referred to below as the draft SPD). Please find Blenheim Estate's comments set out below.*

### Introduction

Firstly, Blenheim Estates welcomes West Oxfordshire's intention to adopt a Supplementary Planning Document with the aim of providing for clarity and efficiency in respect of Developer Contributions.

An adopted Developer Contributions SPD has the potential to provide for increased certainty. This is an important factor in respect of planning for sustainable development, especially in respect of larger, more complex developments, and is to be welcomed.

It is noted that the draft SPD refers to the proposed CIL rates and that these are subject to examination and adoption.

### Balancing Flexibility and Certainty

Development will only take place when it is economically viable for it to take place. Whilst, to some degree, high house prices in West Oxfordshire result in relatively high gross returns from private house sales, other factors, including the very high cost of land, the need to subsidise the provision of affordable housing, investment into high quality development and addressing climate change, the need to enhance biodiversity, the need to invest in education, highway safety and other things, the high and increasing costs of materials and labour, the need to invest large sums of money for long periods of time prior to making returns, all add up to make development a high risk, long term business.

To be helpful and useful, the adopted SPD should provide for clarity, address uncertainty and make it absolutely clear which areas will remain to be negotiated and will therefore remain uncertain. Whilst it is important that the adopted SPD allows for appropriate flexibility – as the world is dynamic – it is also important that it identifies those areas where there will be little/no headroom for debate; and those areas which, in reality, will remain entirely negotiable and therefore, uncertain.

In this regard, it is important that the adopted SPD does not simply identify what currently happens. The reason for producing the SPD is to make a positive difference, to provide for certainty and ultimately, to provide for good development. If the adopted SPD does not achieve these three things, then it will have failed.

### Two Tier Approach

The two tier authority approach in West Oxfordshire results in considerable uncertainty in respect of developer contributions – as not only does a developer need to work with both the District and County Councils, but there is also a need to liaise with several different local government departments, all with their own ideas in respect of what a developer contribution should comprise.

The draft SPD fails to resolve the uncertainty that arises in this case. Taking the example of education, the draft SPD effectively states that developers should negotiate with the County Council on a case by case basis. This does not provide for any certainty but continues an inefficient process.

Further to the above, there is little sense in the draft SPD of how planning obligations as a whole will be split – between CIL payments, 106 payments and affordable housing contributions. This process is currently inefficient in West Oxfordshire and means considerable uncertainty in respect of large, complex developments. The draft SPD must seek to properly address this issue – rather than just flag up what currently happens – if it is to be a useful document and facilitate the planning and development process rather than make it an increasingly adversarial one as is currently becoming, as more layers are added to the contribution debate. As stated before clarity is important and no grey areas between what is s106 and what is CIL should remain. We are currently aware of situations where full CIL will be levied AND what is effectively a full s106 package, this cannot be fair or desirable and will result in conflict and delivery delay. CIL, as originally envisaged was supposed to introduce certainty, the SPD should recognise this and not create local confusion!

### Affordable Housing

Taking affordable housing as an example. Affordable housing takes many forms and continually changing national policy means that the definition of affordable housing is dynamic.

Blenheim Estates has evolved an affordable housing model that can provide for a greater discount to market rents than some registered providers, on significantly higher quality housing developments than some registered providers. At the same time as providing for certainty, we consider that an adopted SPD should provide for the quality and relative cost (to tenants) of new affordable housing should be taken into account in any calculation of planning gain (proceeds of CIL, 278, 106 etc) via developer contributions.

Failure to do this runs the risk of developers choosing to choose the lowest-cost approach to affordable housing, to simply tick the percentage provision required, regardless of quality or rents charged. The draft SPD currently appears not to fully recognise that developer contributions are not simply about attracting a sum of money, but they form part of the whole process of good planning. Blenheim Estates would like to see recognition in the SPD of the importance of developer contributions being part of a sustainable approach to good planning.

### Other

As set out, much of the draft SPD just appears as a long list of costs to set against development, which is fine on the basis that all of the various potential obligations are identified, but there is insufficient recognition in the document that planning obligations are finite. If every cost identified was levied on every site, development in West Oxfordshire would slowly cease, land supply targets would fall behind and planning will revert to the situation we had locally a few years back of planning by appeal.

The Viability chapter is written as though all development in West Oxfordshire will inevitably be viable “*Given that the West Oxfordshire Local Plan was adopted recently (September 2018)*” and from the basis that all development is the same. The reality is that the world is dynamic. What was viable in September 2018 is not the same is what is viable in a Covid-19 world; and all development schemes are not equal.

There is little if anything in the draft SPD that sets out why its approach will result in better, higher quality, more sustainable, more socially, economically and environmentally beneficial development. It is important that the SPD does not simply appear as a long list of general requirements subject to numerous vague, uncertain and inefficient negotiations.

Rather, the SPD should clearly set out why it comprises a positive framework that will encourage all new development to seek to achieve higher goals in respect of delivering the kinds of places where today’s and future generations will want to spend their lives. If the SPD is not integral to creating better, more sustainable places, it will have failed.

Whilst policy must be based on the best information available from the past, it needs to be applied in today's and tomorrow's world. Change seems to be taking place faster than ever, not least as we, rightly, move to a world of zero carbon, home working and a focus on biodiversity and environmental gain, amongst many other things. The SPD needs to get the balance right between certainty and the need for change going forward. It must therefore be far more than a rigid tick box exercise – which seems to be a very real danger – in order to prevent this .

*We look forward to the opportunity to comment on the revised draft, prior to formal adoption of the Developer Contributions SPD.*

**Nigel McGurk**  
Head of Planning



## **BLenheim ESTATE**

Estate Office | Blenheim Palace | Woodstock | OX20 1PP

T: [REDACTED] | M: [REDACTED] | [blenheimestate.com](mailto:blenheimestate.com)



**BLenheim PALACE BLenheim BLenheim ESTATE**

This email including attachments, may contain confidential information.  
If you have received it in error, please notify the sender by reply and delete it immediately.  
Is it necessary to print this email? If you care about the environment like we do, please refrain from printing emails.  
It helps to keep the environment forested and litter-free.  
For information about how Blenheim manage your information please see our Privacy Policy on [www.blenheimpalace.com/privacy](http://www.blenheimpalace.com/privacy)

**Nigel McGurk**  
Head of Planning



## **BLenheim ESTATE**

Estate Office | Blenheim Palace | Woodstock | OX20 1PP

T: [REDACTED] | M: [REDACTED] | [blenheimestate.com](mailto:blenheimestate.com)



**BLenheim PALACE BLenheim BLenheim ESTATE**

This email including attachments, may contain confidential information.  
If you have received it in error, please notify the sender by reply and delete it immediately.  
Is it necessary to print this email? If you care about the environment like we do, please refrain from printing emails.  
It helps to keep the environment forested and litter-free.  
For information about how Blenheim manage your information please see our Privacy Policy on [www.blenheimpalace.com/privacy](http://www.blenheimpalace.com/privacy)





**WEST OXFORDSHIRE DISTRICT COUNCIL**

**DEVELOPER CONTRIBUTIONS SPD  
DRAFT FOR CONSULTATION**

**PREPARED BY:**

**R A Cutler BSc (Hons) MSc MRICS MRTPI MBA**

**Partner  
Bloombridge LLP  
4<sup>th</sup> Floor, Venture House  
27-29 Glasshouse Street  
London  
W1B 5DF**

**7 December 2020**

**Final Version**

Bloombridge is a developer and landowner active in West Oxfordshire and, therefore, the scope and purpose of the draft SPD, as set out in Section 1, is welcomed. Transparency (paragraph 1.1) is important, but our experience around the country, and with other planning authorities in Oxfordshire, suggests that this is very difficult to achieve, given the many stakeholders and wide range of planning considerations, all of which can lead to a different interpretation of an SPD drafted to cover all interests and all eventualities. Therefore, we would suggest that, prior to adoption, the SPD should be tested against the following criteria and how these impact on decision making to ensure that the SPD achieves the desired outcomes:

- Transparency
- Speed
- Flexibility
- Certainty

We feel that certainty is probably the most important criterion for planning decision making as this, in turn, ensures transparency and speed. Flexibility is always useful, given the wide discretionary statutory powers afforded to local planning authorities, but we would suggest that flexibility is generally removed from the SPD and left to the discretionary and 'other material considerations' aspect of planning decision making. It is not necessary to try to specify flexibility in the SPD. This will only lead to disagreement on which part of the SPD applies and, of course, with disagreement on such things, comes uncertainty and slow decision making. That, in turn, defeats the object of the SPD.

A related point to certainty are complications arising from the number of stakeholders with decision making power/influence on developer contributions. Elsewhere in Oxfordshire, County Education (in particular) and the CCG seem to operate more or less independently and, irrespective of the merits, this can lead to uncertainty and slow decision making. We feel the SPD should aim to bring clarity to bear because the timescale for the grant of planning permission is set by the last stakeholder to remove an objection; a problem compounded by the fact that many consultees on a planning application are single interest stakeholders with, accordingly, little interest in striking a balance or supporting bigger picture issues such as place-making, sustainability and delivering housing targets in line with Growth Deal targets..

In light of these general principles, we would suggest that the SPD could address the following matters:

1. There should be a clear statement that decisions on developer contributions are solely for the District Council, albeit with advice from other public sector partners, and having regard for all other material planning considerations.
2. The division between CIL and s106 needs to be very clearly defined to avoid delay and double counting. Large developments (eg of 300 houses or more) should be CIL exempt

to ensure that the District Council (and other public sector partners) has full flexibility to deal with the specific circumstances and full impacts of the development.

3. Generally, to achieve greater certainty and speed in decision making, there may be other ways (than an exemption for large development) to reduce the scope of the SPD, accepting that this is also part of the intended function of CIL.
4. Nonetheless, we would encourage some flexibility within the SPD for developers to offer more than the SPD requires or in a different, perhaps more localized way. This would encourage Localism – ie developers engaging with local communities to address specific needs through housing or other development. The law is clear that developers can offer more than a local authority can require (Lord Hoffman in *Tesco*, 1995) yet many authorities tend to resist such ‘planning gain’ (often to the detriment of community-led development).
5. In a similar vein to Point 3, the SPD should specifically provide for enabling development, where development proceeds can be used to fund local and/or specific needs by off-setting contributions set by the SPD.

It follows that, whilst the explanation of the relationship between CIL, planning obligations and planning conditions, starting at paragraph 2.18, is unquestionably correct, we would say that, if the SPD is going to aid decision making, then it needs to set out and specify how West Oxfordshire will apply the various options. Our main point is that CIL is not applied to large scale development. Moreover, to ensure consistency, there may be merit in delaying the adoption of the SPD till it can dovetail precisely with West Oxfordshire’s CIL regime.

On the specifics, Part 3 of the SPD deals with what developer contributions will be sought in West Oxfordshire. We have the following comments:

1. On affordable housing for small unit schemes, it would be helpful to include the Council’s definition of GIA within the guidance; ie confirming that it is just the livable space, excluding outbuildings etc.
2. On primary and secondary school contributions, we would suggest that much more certainty is required. There is an inference that the County will change the contributions and review the costs on a case by case basis. Paragraph 9.12 also includes too much flexibility around whether a new school would be required or not. Our preference, to aid forward planning, would be for the pupil yield and costs per unit to be set out in the SPD and then applied following clearly specified guidelines. Education contributions are increasingly a cause for delay around Oxfordshire. Part of the problem has been the difference between the costs of school extensions compared with the much higher total cost of a new school. Given new allocated large scale sites are likely to be the predominant provider of new schools (not least because they will provide the school site), the simple solution would be to set a policy that carves out new housing allocations for bespoke negotiations with County Education, with all other sites picking up a contribution rate set by the SPD or CIL.

3. On off-site biodiversity, the calculations are often complex and somewhat arbitrary. It may be simpler, and therefore aid faster decision making, if the SPD just listed a cost per unit for off-site biodiversity. As per education, a bespoke approach could be adopted for proposed allocations, not least because this would introduce an element of competition to promote biodiversity among sites competing for a local plan allocation.
4. We support the use of CIL for health care, fire, policing and ambulance contributions, subject to viability testing.
5. Given the importance of high speed broadband in a rural district such as West Oxfordshire, we wonder whether the District Council uses CIL to pump prime a partnership with a fibre provider. This would deliver very wide ranging benefits to local communities, schools and businesses.

We have no other comments but would be pleased to discuss any of the above with officers should that be helpful. Our greatest request is that the SPD seeks to be as definite as possible on when CIL or s106 will be applied and, as a general rule, our preference would be to set a framework where an either/or arrangement is applied, not both. The key principle here is that planning decisions are delayed until the last stakeholder removes its objection so certainty and decision making control are important aspects for West Oxfordshire to hold on to.

**Name of the Document to which this representation relates:**

Developer Contributions SPD

**1. Personal Details**

Title Mr

First Name Simon

Last Name Tofts

Job Title Land Director

Organisation Blue Cedar Homes

**3. To which part of the SPD does this representation relate?**

8.3 – 8.9

**4. Please give details of your response below, include as much information and detail as you can.**

The explanatory text refers to Policy H3 and housing schemes within the AONB of 6-10 units and floorspace of no more than 1000m<sup>2</sup> making a contribution towards affordable housing 'off-site'.

This is taken from a previous iteration of the NPPF (para 63), 2018. Since then, the NPPF has been updated and whilst the unit threshold has remained – that is less than 10 dwellings – the floorspace threshold has been removed (para 63, NPPF, Feb 2019). The text should be updated to reflect this.

**Date** 21.12.20



**Charlbury**  
Town Council

Clerk: Mr S R Clarke



Tel: [REDACTED]

Email: [REDACTED]

**West Oxfordshire District Council  
Developer Contributions – Draft  
Supplementary Planning Document (SPD)**

**Representation to public consultation  
by Charlbury Town Council**

**Date: 21/12/2020**

## 1 Introduction

Charlbury Town Council (CTC) welcomes the opportunity to comment on the draft Supplementary Planning Document (SPD) – “Developer Contributions” issued for public consultation by West Oxfordshire District Council (WODC).

We support the purpose of the document to set out in a transparent manner the approach to be taken by WODC to secure new and improved infrastructure to support future growth in the District. Within this context we believe that the document provides a useful reference for the varied target audiences offering clarity in this complex area. We agree that the document clearly states WODC’s position in line with national and local policy.

Overall, we support this document and welcome the comprehensive coverage of areas for which developer contributions will be sought as set out in part 3 of the draft SPD. However, we do have a few specific concerns and comments which are set out in sections 2 to 6 below.

Amongst the areas for which contributions will be sought we are particularly pleased to note the high priority given to public transport (paras 10.13 to 10.23), healthy and active travel and travel planning (paras 10.24 to 10.33) and to environmental issues (section 12).

## 2 CIL Zero rating for Strategic Developments

Paragraph 2.6 of the draft SPD sets out the proposed CIL rates as defined in the proposed CIL Charging Schedule and this includes a zero rate for strategic development sites. During consultation on the charging schedule, Charlbury Town Council submitted objections to this zero rating and this remains a matter of considerable concern to CTC. Whilst we accept that strategic developments will be expected to make major contributions to infrastructure through planning obligations, we believe that such obligations will not adequately address incremental infrastructure requirements such as drainage and highways.

Planning obligations are required to meet the tests set out in paragraph 2.14. Whilst many requirements (e.g. schools, medical and sports facilities, play areas) can readily be related to the proposed developments, some cannot. General capacity requirements for drainage, utilities, roads and transport across the region arise cumulatively as a result of all developments and funding for the associated improvements should reflect this. CIL is uniquely suited to addressing these requirements, being based on development footprint and not being tied to the paragraph 2.14 tests. Removing CIL completely from the most significant developments (which will self-evidently have the greatest impact on these incremental requirements) could seriously endanger the ability to secure and maintain adequate and reliable infrastructure capacity into the future.

We are particularly concerned about water supply and waste water treatment where we feel that the requirement set out in paragraph 18.4 (for developers to work in partnership with utility providers) is too weak. In this regard we are particularly mindful of current serious concerns regarding water quality in local water courses, often the result of raw sewage release. Development growth will tend to exacerbate this issue and it is therefore essential for the matter to be addressed in a consistent and comprehensive manner. We fear that the zero rating of strategic developments for CIL may undermine this.

We are also concerned that some wider infrastructure implications of strategic developments may not be immediately apparent or not obviously related to the development and may therefore be omitted from planning obligations. As an example relating to Charlbury, the East Chipping Norton development is likely to generate additional demand for rail travel from Charlbury station with knock-on impacts on traffic and car parking. [Note: CTC raised this

specific issue during consultation on the East Chipping Norton development and we note that this has been recognised in the summary report (June 2019) from that consultation].

### 3 Decision Making for CIL Expenditure

As CIL contributions are not specifically related to individual requirements, clarity and transparency over the decision-making process for allocating these funds to specific projects is particularly important. We acknowledge that this matter has been addressed to some degree in the draft SPD but we would welcome further clarity. For example, how will priorities be determined for public transport improvements?

In particular, we believe that the role of town and parish councils in influencing such decisions should be encouraged and acknowledged.

In its role as a rural service centre, Charlbury provides many benefits to the wider community which, in turn, have infrastructure implications that should be taken into consideration when allocating these funds. For example:

- As a major railway hub in the north of the district, the impact of traffic, bus links and car parking are important considerations (see also 2 above);
- The modern, high-specification sports hall at Charlbury Community Centre attracts many users from neighbouring villages and towns with implications for traffic, transport and car parking.

### 4 Charlbury Neighbourhood Plan 2031 and Infrastructure Delivery Plan

We note the list in paragraph 3.6 of other documents of relevance to future infrastructure requirements and developer contributions including made neighbourhood plans. As you will know, the draft Charlbury Neighbourhood Plan 2031 is currently under examination and we are hopeful that, subject to referendum, it will become a made plan during 2021. Once this occurs, the plan should be included in the above reference list within this SPD.

Charlbury Town Council has also prepared an Infrastructure Delivery Plan (IDP), which is included as an appendix within the draft Charlbury Neighbourhood Plan 2031. We request that this IDP, which will be subject to regular review by the town council, is also referenced in paragraph 3.6.

### 5 Affordable Housing

We welcome the requirements for affordable housing provision in line with the adopted West Oxfordshire Local Plan. Due to Charlbury's location within the Cotswolds AONB there are unlikely to be many opportunities for developments exceeding 10 properties (with the possible exception of Rural Exceptions Sites) and therefore the inclusion of a requirement for contributions to off-site affordable housing provision for developments of 6-10 homes is welcome. However, we would wish to encourage consideration of on-site provision for such sites where possible in line with meeting Charlbury's local housing need in support of the town's Rural Service Centre role. This matter is explored extensively in the emerging Charlbury Neighbourhood Plan 2031.

### 6 Sports and Leisure facilities in Charlbury

Charlbury has extensive sports and leisure facilities including a modern sports hall within the Charlbury Community Centre built with wide support locally and from Sports England. This



facility, which is highly regarded, attracts users from around the district and beyond and is a significant asset for the District helping to meet requirements of the wider community and deserving of support from developer contributions to reflect increased demand resulting from new developments. However, this sports hall, plus other facilities in Charlbury are not mentioned in section 11 of the SPD and we ask that paragraph 11.7 in particular is corrected in this regard.

Assuming that Charlbury is considered to be in the north of the district, there are in fact 2 sports halls in the north including Charlbury Community Centre. Furthermore, the principal sports and leisure facilities in Charlbury, including the Charlbury Community Centre and Nine Acres Recreation Ground, are not education sites. Charlbury Community Centre is maintained and run on a not-for-profit basis by the local Thomas Gifford Trust.

---

**From:** colin dingwall [REDACTED]  
**Sent:** 19 December 2020 10:22  
**To:** Planning Policy (WODC)  
**Subject:** SPD

Crawley parish Council would like to make the following suggestions for developer contributions.

A general contribution should be made by all developers to an ongoing pooled fund for cycleways and improved safety for walkers across the entire district/county.

All new developments must fund or have fibre to the door broadband connectivity.

regards  
Crawley pc

Sent from my iPhone

Planning Policy Team  
West Oxfordshire District Council  
Elmfield  
New Yatt Road  
Witney  
OX28 1PB

Email: [planning.policy@westoxon.gov.uk](mailto:planning.policy@westoxon.gov.uk)

21<sup>st</sup> December 2020

Dear Sir/Madam,

HLM047/NF/TK

**RE: CONSULTATION ON DEVELOPER CONTRIBUTIONS DRAFT  
SUPPLEMENTARY PLANNING DOCUMENT 2020**

This representation is submitted on behalf of Hallam Land Management (HLM) by David Lock Associates. HLM have a substantial track record in bringing forward land for high quality and sustainable developments.

HLM have an active interest in the evolution of the Developer Contributions SPD and welcome the opportunity to provide comments. in relation to the proposed West Oxfordshire CIL Charging Schedule 2020.

The purpose of the SPD - to inform applicants of the likely level of planning obligations that can be expected from proposed developments – is welcomed. The provision of new and improved infrastructure to support development within the District is supported, and a central theme of HLM's overarching approach to ensuring balanced and sustainable new development.

**S106 and CIL**

The District Council should ensure that the application of CIL, alongside S106 contributions, do not overlap and unnecessarily burden development so as it to make it unviable.

Government guidance is clear that plan makers should consider the combined total impact of planning obligations so they do not undermine the deliverability of the plan (MHCLG Guidance Planning Obligations Paragraph: 003 Reference ID: 23b-003-20190901). Planning obligations must be necessary, directly related to the development, and fairly and reasonably related in scale and kind to the development.

**Short fall of funding**

HLM ore supports the District Council intention to potentially consider using a proportion of its CIL receipts to support the delivery of infrastructure across the District including where a shortfall of funding secured through planning obligations and/or other sources of funding may exist. This is especially the case to support larger, strategic development sites within the Council.

**Education / transport**

The Councils intention to consider whether there is a legitimate and demonstrable need to be flexible in seeking obligations is welcomed.

**DAVID LOCK ASSOCIATES LIMITED**

50 North Thirteenth Street  
Central Milton Keynes  
Buckinghamshire  
MK9 3BP

☎ +44 (0) 1908 666276

✉ [mail@davidlock.com](mailto:mail@davidlock.com)

💻 [www.davidlock.com](http://www.davidlock.com)

VAT Reg. No. 486 0599 05.  
Registered in England No. 2422692.  
Registered Office as above.

The intention to consider planning obligation contribution on a case-by-case basis, for example in relation to education provision or transport infrastructure, is supported.

#### **Sports Hall Provision**

In relation to sports hall provision it is noted that the existing stock is old, with the majority not having any modernisation since they were opened. The Councils approach should be tailor to seeking a financial contribution to improve existing provision and deficiencies, before seeking to secure new on-site indoor sports and leisure facilities as part of large residential developments.

#### **Play areas**

It is noted that the approach to play areas sets out different provision requirements for different sizes of residential development. For example, very large residential schemes of more than 500 homes, it highlights that the Council will seek to secure a Neighbourhood Equipped Area for Play (NEAP) as part of the development based on a quantitative requirement of at least 0.25 ha per 1,000 population.

Whilst HLM supports the integration of play areas within residential developments this approach should be mindful that it does not set out a new formulaic approach within a supplementary planning document. Government guidance is very clear that it is *not appropriate for plan-makers to set out new formulaic approaches to planning obligations in supplementary planning documents or supporting evidence base documents, as these would not be subject to examination.* (MHCLG Guidance: Planning obligations - Paragraph: 004 Reference ID: 23b-004-20190901).

#### **Public realm improvements and public art**

Whilst the provision of public realm improvements and public art is supported, the intention to seek their provision and maintenance on larger residential developments of more than 50 homes through a Section 106 legal agreement may not always be the most appropriate approach. It is considered that there may other mechanisms for its provision, such as a public art contribution fund, whilst its provision will not always be appropriate in every situation.

#### **Primary and Secondary Health Care**

The District Council should consider the appropriateness of developer contributions towards the primary and secondary health care which is already funded through other more appropriate sources.

#### **Further comments**

It is noted that West Oxfordshire District Council will publish a revised draft SPD for a further period of consultation – HLM welcome the intention to provide a further opportunity to comment on this further iteration of the SPD.

I trust that the above comments are helpful, but please do not hesitate to get in touch if you have any queries.

Yours faithfully,



Tom Kimber  
Associate

Email: 

cc: Hallam Land Management Ltd

---

**From:** David Miles [REDACTED]  
**Sent:** 30 November 2020 15:38  
**To:** Planning Policy (WODC)  
**Subject:** SUPPLEMENTARY PLANNING DOCUMENT

## DEVELOPER CONTRIBUTIONS

### COMMUNITY INFRASTRUCTURE LEVY ( CIL) SECTION 106/278

#### PLANNING OBLIGATIONS CONSULTATION

I am responding today in my capacity as Parish Transport Representative for Witney . I am also a volunteer with West Oxfordshire Community Transport and a Director at First and Last Mile CIC striving to find ways forward. I shall concentrate my reply on public transport as this is the field where I have been the PTR for 30 years.

The end of bus subsidies in July 2016 left many communities in West Oxfordshire bereft of public transport. Only commercially viable services survived and the establishment of the Comet service could not possibly fill these gaps.

Some services have survived however through section 106 contributions. In West Oxfordshire this has helped to fund services like the 15, 19, X9 and especially the 233. Developer funding is a very important tool available.

The County Council control the spending of section 106 on public transport. Progress has undoubtedly been made in clearing a large backlog of funding which had built up over several years but millions remain undistributed. This is very frustrating for local communities.

There has never been a public consultation process in place for section 106 contributions and parishes are encouraged to be grateful for what they can get. This is not always what is wanted or needed however.

In many ways problems result not from the commitments made in the document but from the failure to implement them. There are too many examples of developments taking place without section 106 mitigations in place.

This can be illustrated by current examples:

#### 1) WINDRUSH PLACE

This large strategic site has almost £1,000,000 in section 106 contributions for public transport but has only seen £85,000 spent on 2 bus stops. Development has long since breached the criteria of being more than 400 metres/440 yards from a bus stop.

The intention is that the S1 is extended into the estate and most people would welcome this . Centenary Way has still to be completed however and it is unlikely in my opinion that Stagecoach will alter their service without funding. This means that a temporary shuttle service provided by either a commercial operator or community transport and funded by section 106 is sorely needed.

This large pot is to be subsumed into one giant pot for all the strategic sites along the A40 corridor. There has to be a risk that the comprehensive service promised does not get delivered.

## 2) COLWELL GREEN

Around £120,000 in section 106 at the last count allocated separately from Windrush Place for a service for Downs Road. The money has been promised for the 233 despite this not serving the development operating along the Burford Road. This would require the crossing of 3 busy roads to access these stops.

If the 233 is diverted I have no objection to the money going on the 233 but I believe otherwise this is a breach of terms. Any service needs to be of value to the development and that means it must actually serve Downs Road.

## 3) LINDEN GARDENS

This development was actually opposed by the County Council on the grounds of being too far from buses to Witney and Oxford but nevertheless approved. There is £33,000 for a bus service but this is not enough on its own to pay for a specific service.

WOCT will from next year run a Carterton Town Service supported by the Town Council however. This service will pass close to Linden Gardens and could be diverted to it. OCC will not use the section 106 for the only service which could realistically serve it however or indeed use any section 106 for a town service. What then will happen to this money?

## 4) FREELAND

The 11 was withdrawn in May 2019 by Stagecoach. WOCT planned to offer a replacement service but this was effectively vetoed by the County Council who refused both the normal concessionary fare rebate and any section 106. All the section 106 goes to the 233.

There were developments in Long Hanborough and particularly at Shepherds Walk in North Leigh which could have supported the 11. The WOCT service would have directly served these which the 233 doesn't. The 11 was seen as unhelpful to the development of the 233 even though OCC were fully aware that most people in the villages preferred a proportion of the monies to be diverted. Shouldn't section 106 go to the service which serves it rather than one in the vicinity but further away?

## 4) STANTON HARCOURT

There is at last checking at least £26,000 for a service courtesy of the airfield development. OCC have identified it as an area of concern and have considered diverting a 19 or a demand response service. Several operators have considered a service but nothing has happened.

It might be difficult to get a commercial operator even with section 106 to offer much of a service but something needs to be done. The money for a service needs to be used.

## 6) BRADWELL VILLAGE

How was this housing estate built in the middle of nowhere without having a bus service provided as this clearly runs contrary to the guidelines. What is going to be done to rectify this and offer a service to both the estate and the Cotswold Wildlife Park?

I note that CIL could be used to build up a fund for bus services in the district not supported by section 106 and this has to be welcomed. It is unlikely to supplant section 106 however. If this means WODC taking a more active interest in local bus services it will not be before time.

There is a lot of work to be done to repair the damage caused by the loss of bus services but a lot of local support is available if it is utilised.

In summary then I do not object to the principles outlined in the document but I expect them to be implemented. Whether or not development on this scale is a good thing or not it does represent an opportunity to right wrongs. That opportunity must be taken.

---

**From:** Paul Slater [REDACTED]  
**Sent:** 21 December 2020 15:05  
**To:** Planning Policy (WODC)  
**Subject:** [Edgars: 2005] Developer Contributions SPD Consultation comments

Dear Sir/Madam

Thank you for the opportunity to comment on the Draft Developer Contributions SPD. The following comments are made on behalf of Burrington Estates Midlands Ltd who currently have a development interest at Swinbrook Road Carterton and have a planning application pending.

Following a review of the Draft SPD it is apparent that the majority of developer contributions, such as those relating to play, sport, transport and education, will continue to be sought via a S106 agreement and that CIL will be additional to these contributions.

Through the recent planning application at Swinbrook Road Carterton it is apparent that requested contributions (including play, sport, transport and education) can amount to over £20,000 per plot and CIL would therefore be additional. Edgars understand however that the viability assessment used to support the Council's proposed CIL charging rates assumed an S106 contribution figure of £10,000 per plot. Based on the Council's current Draft SPD the actual S106 requirement for major developments will be far in excess of that assumed for CIL viability purposes.

The current approach the Draft Developer Contributions SPD appears therefore to be at odds with the CIL viability evidence and likely therefore to render development unviable. The approach under the Draft SPD should be reviewed to ensure consistency with the approach used under CIL and reduce the burden of contributions once CIL and S106 are combined to ensure the approach remains viable overall.

Kind regards

Paul Slater  
BSc (Hons) MSc MRTPI  
Associate  
[REDACTED]

**Edgars COVID-19 Update:** The Edgars team will be remote working in the run up to the Christmas period, please see below for office closures. Please note that we are conducting meetings remotely and site visits by arrangement following Government guidance for social distancing. For further details on our covid-19 risk assessment to protect staff and clients and a full list of contact numbers for staff, please head to our [website](#).



01865 731 700  
[www.edgarslimited.co.uk](http://www.edgarslimited.co.uk)

The Old Bank  
39 Market Square  
Witney OX28 6AD



# EDGARS



Registered in England and Wales 4219821

This email (including any attachments) is strictly confidential and is intended solely for the person or organisation to whom it is addressed. It may contain privileged and confidential information and if you are not the intended you must not copy, distribute or take any action in reliance on it. If you have received this communication in error, please advise us by e-mail and delete the file from your system.



# EYNSHAM PARISH COUNCIL

CLERK: KATHERINE DOUGHTY,

Telephone: [REDACTED] Email: [REDACTED] Web: [www.eynsham-pc.gov.uk](http://www.eynsham-pc.gov.uk)

West Oxfordshire District Council  
Planning Policy Manager  
Planning Policy  
Elmfield, New Yatt Road  
Witney, OX28 1PB

Sent by email - [planning.policy@westoxon.gov.uk](mailto:planning.policy@westoxon.gov.uk)

8 December 2020

Dear Sir/Madam

## **Developer Contributions Supplementary Planning Document Consultation**

Eynsham Parish Council wish to make the following comments:-

1. The document is tailored more to developers than it is to local councils. This is evidenced by the lack of a process, tailored guidance or a pro forma for requesting developer contributions.
2. More 'joined-up' work and liaison is required with WODC on funding requirements.
3. A zero-rated CIL for strategic sites is objected to as it does not make provision for the impact of the development on the local community.

Yours sincerely

Mrs Katherine Doughty  
Clerk to the Council

Planning Policy Manager  
Planning Policy  
Elmfield  
New Yatt Road  
Witney  
OX28 1PB  
21<sup>st</sup> December 2020

By email: [planning.policy@westoxon.gov.uk](mailto:planning.policy@westoxon.gov.uk)

**Re: Developer Contributions Supplementary Planning Document Consultation**

Dear Sir/Madam,

**Introduction:**

This representation is submitted in response to West Oxfordshire's Developer Contributions Supplementary Planning Document (SPD).

Gladman have considerable experience in dealing with Planning Obligations and the Community Infrastructure Levy (CIL) across the country and these representations are based on our knowledge of the system and lessons learned from our experience.

**Purpose of Supplementary Planning Documents:**

Gladman take this opportunity to remind the Council that SPDs cannot be used as a fast track mechanism to set policies and should not be prepared with the aim of avoiding the need for examination or reinventing existing planning policy which should be examined. SPDs are not subject to the same degree of examination and consultation as policies contained in Local Plans and therefore should only provide additional guidance to those bringing forward development proposals across the District.

The National Planning Policy Framework (NPPF 19) confirms this where it defines SPDs as:

*"documents which add further detail to the policies in the development plan. They can be used to provide further guidance for development on specific sites, or on particular issues, such as design. Supplementary Planning Documents are capable of being a material consideration in planning decisions but are not part of the development plan."*

The role of the SPD should therefore seek to provide guidance on existing planning policy contained in the adopted Development Plan. It is important to note that this does not present an opportunity to reinvent the existing planning policies contained in the Local Plan.

### Observations

Gladman welcome the preparation of the SPD as it provides additional clarity and transparency beyond the policies contained within the Local Plan when it comes to the issue of Planning Obligations.

However, Gladman has some concerns with the potential overlap between some of the elements that would be required through a Planning Obligation and those required under the Council's Community Infrastructure Levy (CIL). The issue arises in relation to collection of S106 contributions for strategic transport schemes as stated in point 10.11, where the potential for double dipping is apparent:

*'In addition to local transport mitigation which is directly related to the development, financial contributions towards strategic transport schemes will be required through a planning obligation for major and strategic scale development due to the impact of cumulative growth'.*

The CIL Regulations specifically seek to avoid 'double dipping' and it is considered that the SPD needs to be reviewed, to ensure that the potential double charging for a single contribution does not occur.

### Conclusions

Gladman welcome the opportunity to comment on the draft Planning Obligations SPD and would like to be kept informed as the document is progressed.

I hope you have found these representations constructive, should you wish to discuss any of the points raised in further detail please do not hesitate to contact a member of the Gladman team.

Yours faithfully,

Becky Mellor

Planning Graduate

Gladman Developments

## **Developer Contributions Consultation Paper Comments on WODC's**

**From Harry St John, ward member for North Leigh  
and member of Lowlands Planning Committee**

I note in para 2.6 that the examination on the CIL Consultation paper has not in fact taken place yet as stated (October 2020).

Given the many responses to that Consultation, the hearing may take some while and the outcome may change the current draft if the Inspector recommends changes and thus have a bearing on this paper.

I am generally supportive of the 18 contribution headings in the paper and the types of contributions that should be sought from development. However I do have some particular comments on some headings, set out below:-

### **CIL**

I support the policy that enables PCs to receive a proportion of the CIL receipts from development in their parish (min 15%).

WODC should encourage all TCs and PCs to prepare and keep a list of what their communities need in the way of local infrastructure to ensure some element is not forgotten.

Where housing schemes involve ten dwellings or less, part of the CIL due should be allocated to education, highways and public transport subsidy so that in effect every new home is making a contribution to these.

### **Heading 7 - Viability**

In my view this section is in need of a rewrite – in my experience it is not the developer/housebuilder that

actually bears the cost of S106 contributions. They may pay the money over to the Council, but it is the landowner who bears the actual cost because the price he/she gets paid for his/her site is reduced prorata by the amount the developer/housebuilder knows the S106 agreement requires to be paid.

Indeed it is only right that the landowner should bear such costs because it is only as a result of the planning consent granted by the Council that his/her land has become much more valuable.

In this part of England agricultural land (existing use) values are about £7K to £10K an acre or £17K to £25K per ha. Residential development land values have ranged from c.£400K to over £1m an acre depending on the facts. So that represents a simply massive increase in capital value and a source of additional value that can well afford to pay a greater share towards local infrastructure etc.

It follows that there should be only very rare cases of viability arguments from a developer/housebuilder; if he has agreed to pay or indeed paid too much for the land that is his fault and is not a valid argument seeking to justify paying reduced S106 contributions.

The reality is that that if a landowner is getting paid for example ten times the existing agricultural use value, he should be more than pleased. In practice in recent years many landowners have been receiving more like £400K to over £1m per acre depending on the facts/circumstances. That is up to 100 times existing use value.

In many, if not nearly all, cases the landowners are still receiving the lions share of the uplift in value from agricultural /existing use to residential development value.

In my view the community – who have created the additional value - should receive a larger share of this windfall but still leave the landowner with a handsome reward.

### **Heading 8- Affordable Housing**

I would like to see in particular rented affordable homes being more affordable than the current 80% of market rent. If as is the case in this part of England property prices and rents are especially high due to market demand and short supply, even 80% of high rents is still out of reach of many on the housing waiting list.

WODC and Blenheim Estate have devised the so called Blenheim formula, with 50% to 60% of Market rents being set; this formula needs to be rolled out with other sites/owners wherever possible in WODC.

I am keen to see a more proactive policy on Exception sites to help generate more such small affordable sites in rural villages to help local people remain where they have their roots and family networks and support potentially shrinking local communities and services/shops etc.

### **Heading 12 The Environment**

I am very much in favour of contributions towards net biodiversity gain for each development being sought and welcome it applying on all schemes.

I would like to see this being achieved by imposing specific planning conditions requiring pollinator friendly planting taking place within all development sites eg plants, shrubs, and tree plantings within open space and landscaped areas and a 25% minimum proportion of wildflower meadows established in areas of open space.

Suitable long term maintenance sums need to be secured to establish such plantings and the long term management

of them and open spaces. In the past PCs or TCs were asked to take on the responsibility often with an inadequate sum – now they are reluctant to take on the liabilities and so housebuilders set up management companies that may not be properly funded and are often an extra burden on the new residents rather than the wider community.

Ensuring S106 funding for adequate surface water drainage and flood prevention must be paramount and adequate funding secured, including where necessary clearing of ditches off site to cater for enlarged flows.

### **Heading 18 – Utilities**

In my opinion S106 money should be demanded of developments which have a significant impact on Foul Drainage infrastructure (sewers and STWs where relevant) and that money can then be spent by TW on immediate upgrades to sewers and/or STWs as required. The current time lag on such upgrade investment is wholly unacceptable and probably has contributed to serious additional pollution of our rivers eg Windrush and Evenlode.

The ability to secure foul drainage contributions used to be the case until the rules were changed some years back and water undertakers have to bear all the costs; I believe that approach should be reversed to ensure more immediate funding from development for this vital utility and thus removed from any AMP expenditure budgeting programme devised by TW and OFWAT which is so often behind the curve.

**Waste and recycling bins** – I am not certain whether housebuilders are required by condition to pay for the recycling and waste bins for each house they build but if



that is not the case, then might I suggest that they should be required to do so either by condition or through a S106.

I hope these suggestions can be taken on board and incorporated into the final version of the SPD.

Harry St John BSC FRICS  
Dec 20<sup>th</sup> 2020

---

**From:** Winter, Edward [REDACTED]  
**Sent:** 14 December 2020 15:03  
**To:** Planning Policy (WODC)  
**Subject:** Developer Contributions SPD Nov 2020

Dear Sir or Madam

Thank you for consulting Historic England on the above document. We do not wish to comment.

Kind regards

**Edward Winter LLB MA MRTPI**

Historic Environment Planning Adviser

Regions Group (London & South East)

Historic England, Floor 4, The Atrium, Cannon Bridge House, 25 Dowgate Hill, London, EC4R 2YA

Direct dial: [REDACTED] Mobile: [REDACTED]



# Developer Contributions SPD (Draft)

## Representation Form

REF:

(For Official Use Only)

Name of the Document to which

this representation relates:

**Please Return to West Oxfordshire District Council by 5pm, Monday 21 December 2020**

**By Post:** Planning Policy,  
West Oxfordshire District Council,  
Elmfield,  
New Yatt Road,  
Witney,  
Oxon.  
OX28 1PB

**Or by Email:** [planning.policy@westoxon.gov.uk](mailto:planning.policy@westoxon.gov.uk)

**This form has two parts-**

**PART A – Personal Details**

**PART B – Your Representation(s).**

**Please fill in a separate sheet for each representation you wish to make**

### PART A

#### 1. Personal Details

#### 2. Agent's Details (If applicable)

Title	Mr	
First Name	Stuart	
Last Name	Garnett	
Job Title	Planning Director	
Organisation	Inspired Villages	
Address Line 1	The Stanley Building	
Line 2	7 Pancras Square	
Line 3	London	
Line 4		
Post Code	NIC 4AG	
Telephone Number		
Email Address		



## Developer Contributions SPD (Draft)

### Representation Form

REF:

(For Official Use Only)

## PART B – Please use a separate sheet for each representation

Name or Organisation: Stuart Garnett – Inspired Villages

### 3. To which part of the SPD does this representation relate?

Paragraph

Table

General

General &

Section 8

### 4. Please give details of your response below, include as much information and detail as you can.

Consultation sequencing - It is unclear why the Council chose to produce a Draft CIL Charging Schedule and affordable housing consultations separate from the Developer Contributions SPD consultation. Logically these should all have been conducted at the same time because it is clear WODC does not intend to reduce its s106 package once CIL has been adopted. Instead developers will be expected to continue to pay s106 contributions in the same way they did previously, whilst simultaneously paying CIL charge on top.

Relationship with CIL - Given the Council under-estimated the size of extra-care developments (see Inspired Villages representations dated 21 August 2020 to the CIL CS made by Irwin Mitchell on our behalf), the CIL viability appraisal only allowed £1,500 per extra care unit for s106 costs on all Extra-Care developments. This is the standard rate for market housing schemes of under 20 units. The average for market housing schemes of over 20 units was £5,000 per unit. There is a lack of clarity on costs for extra care schemes, principally because WODC and their advisors do not fully understand the extra care model, the different typologies of specialist accommodation for older people (e.g. retirement housing, extra care / retirement communities, care homes) and the different size and scales of such developments. Accordingly the evidence base is not adequate and the consequence of this is that WODC will develop a CIL CS and developer contribution SPDs which unduly penalize extra care accommodation.

Para 2.6 includes the proposed CIL CS rates “for residential developments” which includes ‘extra-care housing’. Despite the Council’s own evidence base concluding extra care housing is not viable to pay a CIL rate, the Council has ignored its own evidence base and our representations in response to that consultation document. The consequence of £100psm for extra care housing plus s106 contributions plus 45% affordable housing will render schemes unviable.

Section 8. Affordable housing – attached is Irwin Mitchell’s representation written on our behalf, dated 21 August 2020 to the Affordable Housing SPD. The points made by Irwin Mitchell remain salient to this section of the SPD.

9. Signature Stuart Garnett

Date 17/12/2020

**Our Ref:** 021192/021192/05375083-1/22697668-1

**BY EMAIL ONLY**

Planning Policy Team  
West Oxfordshire District Council  
Elmfield  
New Yatt Road  
WITNEY  
OX28 1PB

Direct Dial: Nicola Gooch

21 August 2020

**BY EMAIL ONLY:** [planning.policy@westoxon.gov.uk](mailto:planning.policy@westoxon.gov.uk)

Dear Sirs

**COMMUNITY INFRASTRUCTURE LEVY: REPRESENTATIONS ON WEST OXFORDSHIRE DISTRICT COUNCIL'S DRAFT CHARGING SCHEDULE**

We are writing on behalf of Inspired Villages to make representations on the Council's Draft Community Infrastructure Levy (CIL) Charging Schedule, which is out for consultation until 21 August 2020.

Inspired Villages operates and develops retirement communities and are majority owned and funded by Legal & General. At the time of writing, there are six operational Inspired villages throughout England; which provide some 800 residents with an independent lifestyle, whilst also providing the care and support that may be required throughout retirement as they age in place.

Inspired Villages is committed to expanding their provision in the UK and aim to be running 50 operational villages within the next ten years. In fact, they are proposing a new retirement community within West Oxfordshire, which is intended to provide up to 160 units of C2 accommodation along with associated communal and care facilities.

These representations comment on both the Council's proposed Draft Charging Schedule, and the viability assessment that underpins it.

We are concerned that the work that the Council has undertaken to date is based upon a fundamental misunderstanding of the different operating models that comprise housing for the elderly (and in particular the distinctions between retirement communities and sheltered housing). This has led to the adoption of a range of assumptions, both within the charging schedule itself and the underlying viability assessments, which do not accurately reflect a typical retirement community.

 0370 1500 100  [irwinmitchell.com](http://irwinmitchell.com)  @IrwinMitchell

 Belmont House, Station Way, Crawley, RH10 1JA



Before we turn to our detailed representations, it may be helpful if we set out, in more detail, the characteristics of a retirement community, and how this form of provision differs from sheltered housing schemes.

### The Characteristics of Retirement Communities

## Living Options for Older People



Setting Standards for  
Retirement Communities

Retirement Housing Also known as sheltered housing or retirement flats	ARCO Retirement Communities Also known as extra care, retirement villages, housing-with-care, assisted living or independent living	Care Homes Also known as Nursing Homes, Residential Homes, Old People's Home
Self-contained homes for sale, shared-ownership or rent	Self-contained homes for sale, shared-ownership or rent	Communal residential living with residents occupying individual rooms, often with an en suite bathroom
Part-time warden and emergency call systems	24-hour onsite staff with optional care and domestic services available	24-hour care and support (including meals)
Usually have a lounge, laundry facilities, gardens and a guest room	Range of facilities including a restaurant or café usually alongside leisure and wellness facilities such as gyms, hairdressers, activity rooms, residents' lounges and gardens	Range of facilities and activities, including gardens, lounges and dining rooms
Typically 40 - 60 units	Typically 60 - 250 units	Sizes vary considerably

Unlike sheltered housing schemes, retirement communities (also known as extra care housing) combine independent living with 24-hour onsite staff, care and domestic services (where required), and a wide range of on-site facilities.

By way of example, a typical Inspired village will provide residents with an on-site wellness centre (containing treatment rooms, a gym, fitness studio, pool and hair salon); restaurant; bar/café; library; activity room; guest suite, village transport service; meeting room; offices; laundry; and recreational space. Some of these facilities, such as the restaurant or hair salon, are also made available to the wider community.

Retirement communities are significantly larger than sheltered housing schemes, typically between 60 and 250 units, and provide full time employment for a greater number of people. An average Inspired village comprises approximately 150 to 160 units and provides employment for 30 to 35 colleagues across a range of roles from management and administration to catering, gardeners, maintenance and housekeeping. In addition, there would be domiciliary care staff working on-site. The care is provided by a third party 'best in class' CQC registered care provider.

As a result, retirement communities have higher levels of non-revenue generating floorspace than a typical sheltered housing scheme (or standard residential development), and higher operating costs due to staffing, maintenance, etc. By way of illustration the proposed Retirement Community for West Oxfordshire

would have a gross internal area of approximately 17,000 sq.m of which approximately 4,200sq.m would be communal facilities, communal areas, i.e. 25% of the floor space would be non-saleable.

As set out in more detail below, we are concerned that the viability assessments carried out to date have failed to recognise the differences between these two parts of the market and, as a result, have proposed charging rates which disproportionately impact on the viability of retirement communities.

#### NCS Viability Assessment January 2020

The NCS Viability Assessment does not explain how it has divided the typologies it has assessed into 'sheltered housing' and 'extra-care' schemes. We are, however, very concerned that NCS has failed to appreciate the differences between the two types of provision.

The Assessment states *"Extra Care development which has similar costs and values to sheltered housing,"* this is, as we will set out below, demonstrably untrue and un-evidenced. The costs involved in the provision of retirement communities, and in fact their entire operating model, differ significantly.

The range of retirement housing typologies that have been considered as part of the assessment are also not typical of a retirement community and seem to indicate that NCS have, in fact, only assessed sheltered housing schemes when preparing their assessments and then attempted to adjust the costs in accordance with their own understanding of how an extra care scheme would operate. Such an approach will have distorted the results of the appraisals, and we would urge the Council to carry out additional viability testing on the basis of the inputs and assumptions set out below:

<b>Assumption/ Input</b>	<b>Basis of NCS Appraisals</b>	<b>Typical Inspired Village</b>	<b>Commentary</b>
Size of development	30 apartments or 20 houses	160 units (148 apartments and 12 houses) together with on-site wellness centre (containing treatment rooms, a gym, fitness studio, pool and hair salon); restaurant; bar/café; library; activity room; guest suite;; meeting room; offices; laundry; and recreational space	The typical retirement community is much larger than NCS has allowed for – which leads to resultant increases in development costs, land costs and levels of non-revenue generating floor space
% non-saleable floor space	Unclear, but an additional 30% cost allowance has been included for non-revenue earning floorspace (lounges/staff accom etc)	Approximately 25% of total GIA within the development is non-saleable	25% of a typical Inspired Village is non-saleable. Not only does this space not generate revenue, but depending on the Council's approach to applying its charging schedule to finished developments, it could also be levied CIL at the same rate as the units for sale.  The provision of this floor space adds significantly to the build

			costs for the overall development in addition to ongoing maintenance, management and staffing costs.
unit sizes	One bed apartments – 50 sqm GIA or two bed houses – 75 sqm GIA	One bed units – 65 sqm GIA Two bed units – 100 sqm GIA Three bed units 150 sqm	All units on an Inspired village are designed to allow residents to age in place comfortably and with dignity. This results in larger, more accessible, units than provided for in the viability assessment
construction costs	£2,200.90psm	£2,260psm	
professional fees	8%	10-12%	The viability assessment has significantly under-estimated the professional fees likely to be involved in the development of a retirement community. A retirement community is typically developed over a series of up to 3 phases requiring greater project team input into the scheme design.
sales/marketing costs	2% of market units value	3% of sales receipts	The NCS assessment has also under-estimated the sales and marketing costs involved. These tend to be higher because of the greater need for clarity and certainty to future residents. A prospective purchaser would typically visit a village multiple times to ensure they are comfortable with what may be their last move, to discuss affordability, service charges and other costs, to assess their health needs, etc. The scale of a retirement community is far greater than the small scale sheltered/extra care schemes modelled by



			NCS and does not reflect the longer sales and marketing process for a village of 150 to 160 units.
Interest	5% on a 12 month build and 6 month sale void	Interest charged at LIBOR +5%	Interest costs over a much longer period than has been allowed for. On a typical scheme the period from the start of construction to final units sold is 6 years.
Type of Affordable Housing Provision	35% Affordable Housing Provision. 33% Intermediate 67% Affordable Rent	<p>A typical Inspired village does not provide on-site affordable housing – for operational and viability reasons</p> <p>However, any onsite provision would need to reflect the need for the scheme to remain in single management – so would comprise Discount Market Rent, Discount Market Sale or Shared Ownership but which are retained, managed and sold by Inspired Villages. The single management of a village means it is not possible to dispose of units to a Registered Provider.</p> <p>At the moment, these tenures would attract CIL at the same rates as market housing, as the Council is not proposing to adopt discretionary CIL relief.</p>	<p>Freehold is retained by L&amp;G and Inspired Villages are long term operators and units sold on leasehold or rented paying a service charge to the services, facilities, staff, sinking fund, etc</p> <p>The affordable housing mix that can be accommodated on an Inspired village would currently be charged CIL at the same rate as the market units on site, which would further reduce the viability profile of the development and the level of provision that could be made as part of the scheme.</p>
s.106 Contributions	£1,500 per unit	Case by case	The Council has not provided any information on the type or level of s.106 contributions that are likely to be sought following the adoption of CIL. Without this it is hard to comment on the reasonableness of the allowance in the viability

			assessment.
--	--	--	-------------

### Draft Charging Schedule

We also have additional concerns about the way that the draft charging schedule has been expressed.

The NCS Viability Assessment makes it clear that, on the basis of their current models, only those extra-care schemes which comprise individual houses are able to carry a CIL charge. As you can see from the table below, schemes which comprise extra-care apartments and sheltered housing schemes of all types are not capable of accommodating the additional charges.

Charging Zone/ Base Land Value	Sheltered Apartments	Sheltered Housing	Extra Care Apartments	Extra Care Housing
Low				
Greenfield	-£211	£136	£146	£425
Brownfield	-£299	£13	£82	£336
Medium				
Greenfield	-£236	£148	-£132	£290
Brownfield	-£301	£45	-£193	£194
High				
Greenfield	-£461	£63	-£316	£243
Brownfield	-£522	-£26	-£371	£162

This is on the basis of the current viability modelling that NCS has carried out, which significantly underestimate the costs of delivering retirement communities. Once the true costs are factored in, we expect the viability position of extra care developments to worsen.

As currently drafted, however, the draft charging schedule does not clearly reflect the distinction between housing and apartment based developments that the NCS Viability Assessment has proposed.

The current charging rates set out in the schedule are as follows:

Zone	1 – 10 Dwellings	11+ Dwellings	Extra-Care Housing	Strategic Sites
Low	£200	£100	£100	£0
Medium	£250	£125	£100	£0
High	£300	£150	£100	£0

The term 'Extra-Care Housing' as used in the charging schedule itself is ambiguous. Read in isolation, without the benefit of the supporting viability assessment, it is not clear that extra-care apartments are intended to be exempt from the levy. Indeed, the current wording of the schedule suggests that the levy would apply to all forms of extra care provision – be it in the form of apartments, two-storey dwellings or bungalows.

At the very least, the charging schedule would benefit from additional explanatory text to clarify the position and make it clear which extra-care developments are intended to be caught by the charge; and which are not. That said, given our concerns over the viability appraisals and cost figures adopted by NCS, we would ask that the Council reconsider its decision to levy CIL on extra-care developments at all, particularly in the high value zones.

**It is our conclusion that based on the NCS viability assessment, it is shown that, it is not viable for a CIL levy to apply to extra care / retirement communities and a £nil rate should be stated, as per the Strategic Sites.**

### Greater Clarity on s.106 Costs

The Council has not provided any information on the type or level of s.106 contributions or requirements that are likely to be required following the adoption of CIL. Without this information, it is very difficult to gauge the overall impact of CIL on future developments, as the additional costs of infrastructure provision that may be required have not been set out. We would encourage the Council to provide more clarity on the role and scope of s.106 agreements as soon as possible, to allow developers to see the likely costs of development in full.

### Exemptions and Reliefs

We also ask the Council adopts two discretionary reliefs which have not been proposed as part of this consultation:

#### *1. Discretionary Social Housing Relief*

For the reasons set out in our response to the Council's consultation on its Affordable Housing SPD (enclosed), traditional affordable housing tenures are very difficult to incorporate successfully into a retirement community. Where on-site provision is required, the tenures which integrate successfully are those which allow for the single overall management of the development by the operator, i.e. those types of discount market sale, discount market rent and shared ownership models which do not require the involvement of a registered provider.

The vast majority of these types of affordable housing do not meet the requirements of Social Housing Relief under regulation 49 of the CIL Regulations, and therefore would be charged CIL at the same rate as the non-affordable elements of the scheme.

If the Council is to maintain the requirement that retirement communities provide on-site affordable housing, then it would be sensible for discretionary affordable housing relief to be adopted. If this is not brought forward, then there is likely to be a greater reduction in the overall level of provision – either on or off site – on viability grounds as the overall development would not only have to factor in the cost of the provision itself, but also the cost of the additional CIL charge that the on-site affordable housing provision will generate.

#### *2. Exceptional Circumstances Relief*

The Council is bringing forward this consultation at one of the most uncertain times for the UK property market in recent history. There is no way of anticipating what the medium to long term impacts of Covid-19 or the upcoming exit from the European Union will have on the development market.

Given the ongoing uncertainty, it would be sensible for the Council to adopt Exceptional Circumstances Relief under Reg 55 of the CIL Regulations. If the relief is not adopted, then any viability issues caused by worsening economic circumstances are likely to result in a reduction in the contributions that the Council can obtain through s.106 Agreements and, in particular, overall levels of affordable housing provision.

Yours faithfully

A black rectangular box redacting the signature of the representative.

**IRWIN MITCHELL LLP**

---

**From:** Kent Rosalind [REDACTED]  
**Sent:** 07 December 2020 10:52  
**To:** Planning Policy (WODC)  
**Subject:** Developer Contributions SPD

Dear Planning Policy Officers,

Re: WODC 'Developer Contributions' Supplementary Planning Document (SPD) Draft for Consultation.

Thank you for your invitation to respond to this document. My comments are as follows:

**Para. 5 Community Infrastructure Levy (CIL)**

This procedure seems to make sense provided the legal procedure is secure and non-negotiable. Before a property is developed it is vital that the infrastructure be installed first e.g. drainage, schools, roads etc., to accommodate the extra burden on the locality. Affordable housing is a particularly important part of the infrastructure.

Developers should not be allowed to opt out of any part of CIL after planning permission is granted.

The key advantages of CiL are that the money is usually payable upfront and not restricted to projects immediately related to a development. This seems to suggest that given a choice between Cil and S106, the former should be preferred. I appreciate that this review does not refer to the zero rating that WODC has proposed for major developments, but can I take the opportunity to say how much I disagree with this proposal.

**Para. 6 Planning Obligations – Section 106 and Section 278 agreements**

This levy should be agreed before planning permission is granted and should subsequently be non-negotiable by law. It is crucial that WODC record precisely what money is due at each stage of a project, that such payments are contractually watertight, and that WODC collect such money and enforce any developer obligations.

If this is not the case, the Council may have to spend a great deal of its own money on installing the missing infrastructure.

Thank you for your attention.

Yours faithfully,

Rosalind Kent [REDACTED]  
[REDACTED]

tel: [REDACTED] [email:](#)

Date: 18 December 2020  
Our ref: 333305  
Your ref: Developer Contributions Supplementary Planning Document.



Planning Policy Team  
West Oxfordshire District Council  
Elmfield  
New Yatt Road  
Witney  
OX28 1PB

Hombeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

T 0300 060 3900

**BY EMAIL ONLY**

[planning.policy@westoxon.gov.uk](mailto:planning.policy@westoxon.gov.uk)

Dear Sir or Madam

**West Oxfordshire Developer Contributions Supplementary Planning Document (SPD)**

Thank you for your consultation request on the above dated and received by Natural England on 9<sup>th</sup> November 2020.

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

Our remit includes protected sites and landscapes, biodiversity, geodiversity, soils, protected species, landscape character, green infrastructure and access to and enjoyment of nature.

**While we welcome this opportunity to give our views, the topic this draft Supplementary Planning Document covers is unlikely to have major impacts on the natural environment. We therefore do not wish to provide specific comments, but advise you to consider the following issues:**

**Biodiversity enhancement**

This SPD could consider incorporating features which are beneficial to wildlife within development, in line with paragraphs 8, 72, 102, 118, 170, 171, 174 and 175 of the National Planning Policy Framework. You may wish to consider providing guidance on, for example, the level of bat roost or bird box provision within the built structure, or other measures to enhance biodiversity in the urban environment. An example of good practice includes the [Exeter Residential Design Guide SPD](#), which advises (amongst other matters) a ratio of one nest/roost box per residential unit.

**Landscape enhancement**

The SPD may provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community, for example through green infrastructure provision and access to and contact with nature. Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider how new development might make a positive contribution to the character and functions of the landscape through sensitive siting and good design and avoid unacceptable impacts.

**Protected species**

Natural England has produced [Standing Advice](#) to help local planning authorities assess the impact of particular developments on protected or priority species.

**Strategic Environmental Assessment/Habitats Regulations Assessment**

A SPD requires a Strategic Environmental Assessment only in exceptional circumstances as set out in the Planning Practice Guidance [here](#). While SPDs are unlikely to give rise to likely significant effects on European Sites, they should be considered as a plan under the Habitats Regulations in the same way as any other plan or project. If your SPD requires a Strategic Environmental Assessment or Habitats Regulation Assessment, you are required to consult us at certain stages as set out in the Planning Practice Guidance.

Should the plan be amended in a way which significantly affects its impact on the natural environment, then, please consult Natural England again.

Please send all planning consultations electronically to the consultation hub at [consultations@naturalengland.org.uk](mailto:consultations@naturalengland.org.uk)

Yours faithfully

Sharon Jenkins  
Operations Delivery  
Consultations Team  
Natural England

---

**From:** CAMPBELL, Fergus (NHS OXFORDSHIRE CCG) [REDACTED]  
**Sent:** 14 December 2020 08:13  
**To:** Planning Policy (WODC)  
**Subject:** Developer Contributions SPD - response

Dear WODC,

Thank you for including NHS Oxfordshire Commissioning Group within your consultation.

We are pleased to see this draft document and have the following comments/suggestions:

- 14.1 Suggested new wording: "Currently 10 GP practices are located in the West Oxfordshire District Council area. In addition, 2 community hospitals are located in the District in Witney and Chipping Norton."
- 14.4 Primary medical care (general practice) is commissioned locally by Oxfordshire Clinical Commissioning Group (OCCG). Other aspects of primary care (community pharmacy, dental and optometry services are commissioned by NHS England.
- 14.5-14.6 I suggest delete these paragraphs as outdated  
Suggested replacement paragraph –  
"OCCG has agreed a new [Primary Care Estates Strategy 2020 – 2025](#). This sets out the principles for estates development, including catering for population growth and making best use of external funding. OCCG have also agreed a prioritisation Scoring Tool for allocating resources."
- 14.7 Agree

Best wishes,

Fergus

**Fergus Campbell | Primary Care team | NHS Oxfordshire Clinical Commissioning Group**

Jubilee House 5510 John Smith Drive Oxford Business Park South Oxford OX4 2LH | Tel: [REDACTED] | **Mobile:**

Email: [REDACTED] | Web: [www.oxfordshireccg.nhs.uk](http://www.oxfordshireccg.nhs.uk)

\*\*\*\*\*  
\*\*\*\*\*

This message may contain confidential information. If you are not the intended recipient please inform the sender that you have received the message in error before deleting it. Please do not disclose, copy or distribute information in this e-mail or take any action in relation to its contents. To do so is strictly prohibited and may be unlawful. Thank you for your co-operation.

NHSmial is the secure email and directory service available for all NHS staff in England and Scotland. NHSmial is approved for exchanging patient data and other sensitive information with NHSmial and other accredited email services.

For more information and to find out how you can switch,  
<https://portal.nhs.net/help/joiningnhsmail>



## **OXFORDSHIRE COUNTY COUNCIL'S RESPONSE TO THE FOLLOWING CONSULTATION:**

**District:** West Oxfordshire

**Consultation:** Developer Contributions SPD (Draft)

---

**This report sets out Oxfordshire County Council's view on the West Oxfordshire District Council draft version of the Developer Contributions SPD.**

---

### **Overall View of Oxfordshire County Council**

Oxfordshire County Council welcomes the opportunity to comment on the draft Developer Contributions SPD. The SPD provides detailed guidance to developers, infrastructure providers and local communities on the likely infrastructure requirements placed on developments in West Oxfordshire.

We are requesting a number of minor changes, particularly relating to schools and highways for which OCC has a statutory responsibility. This will enable us to ensure that there are sufficient school places at the appropriate time and the necessary infrastructure to support development in the district.

Please note that OCC hopes to have the Developer Guide to Infrastructure Delivery and Contributions adopted by April 2021. Until it is adopted the document should not be referred to in the SPD.

Detailed comments can be seen in Appendix 1.



**John Disley**  
Infrastructure Strategy & Policy Manager

22<sup>nd</sup> December 2020

## Appendix 1 – Officer Comments

Team	Section	Page	Comment/suggested change
Infrastructure Funding	1.7	3	Comment: OCC hopes to have the Developer Guide to Infrastructure Delivery and Contributions adopted by April 2021. Until it is adopted the document should not be referred to in the SPD.
	13.20	49	Comment: Might there be a need for a development to contribute towards an off-site new facility?
	13.22	50	Comment: Is the formula of £200 sq m per 1,000 population correct?
	13.34 & Community Services Summary	51 & 52	Comment: Unless the district guarantees that there will be CIL available to mitigate a developments impact on community services, OCC will seek S106 contributions from all developments of 11 or more units subject to meeting the R122 tests and within the viability limit of the development.
	15.7 & Fire and Rescue Summary	56	Comment: Unless the district guarantees that there will be CIL available to mitigate a developments impact on fire and rescue, OCC will seek S106 contributions from all developments of 11 or more units subject to meeting the R122 tests and within the viability limit of the development.
	17.5	59	Suggest revising text to:  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.
	17.6	59	Comment: OCC is developing a formula for seeking contributions towards strategic waste management and will be able to provide further information shortly
	20.5	63	Comment: Financial contributions to the County Council should be paid directly to the County Council.
Access to Learning	9.12	26	<p>Current text: In general terms, for very large residential schemes (where more than 400 additional pupils would arise) it may be necessary to provide a new school or schools on-site as part of the development. For smaller residential schemes of 10 or more new homes, the County Council will seek an appropriate financial contribution towards increasing the capacity of an existing school or schools.</p> <p>Comment: New schools may be required for smaller developments, and some developments not requiring a new school may be expected to contribute towards a new school.</p> <p><u>Proposed change:</u> In general terms, for very large residential schemes (where the scale of pupil generation cannot be accommodated through school expansions) it may be necessary to provide</p>

Team	Section	Page	Comment/suggested change
			a new school or schools on-site as part of the development. For smaller residential schemes of 10 or more new homes, the County Council will seek an appropriate financial contribution towards increasing the capacity of an existing school or schools, or towards an off-site new school serving multiple developments. In some cases, additional contributions may be required towards temporary accommodation, where the permanent accommodation cannot be delivered in time to meet the need from population growth.
	9.14	26	<p>Current text: For new schools, any S106 contribution will be considered on a case by case basis and the cost of each project to provide additional capacity may differ. The contributions sought are based on a common base for the construction of a new school or extension.</p> <p>Comment: Amendment to clarify OCC's position on school land. Removal of reference to indexation base as that is covered elsewhere.</p> <p><u>Proposed Change:</u> For new schools, any S106 contribution will be considered on a case by case basis and the cost of each project to provide additional capacity may differ. When the scale of development is such as to necessitate 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 to make a contribution to fund land acquisition.</p>
	9.15	26	<p>Current Text: For the expansion of existing schools, the level of contribution will be calculated based on the anticipated pupil generation from the development set against standard £/per pupil rates, or where feasibility work studies have been carried out estimated cost of the expansion.</p> <p>Comment: Amendment to clarify that the contribution to expansion project may include the cost of land.</p> <p><u>Proposed Text:</u> For the expansion of existing schools, the level of contribution will be calculated based on the anticipated pupil generation from the development set against standard £/per pupil rates, or where feasibility work studies have been carried out estimated cost of the expansion.</p>

Team	Section	Page	Comment/suggested change
			Where the expansion project requires the acquisition of additional land the cost of this will be factored into the level of contributions.
	9.18	27	<p>Current Text: The need for SEND places within new mainstream schools will be assessed by the County Council in each case, depending on the existing local availability of places.</p> <p>Comment: The County will also seek contributions where appropriate towards new and expanded specialist SEND schools</p> <p><u>Proposed Change:</u> The need for additional SEND capacity will be assessed by the County Council in each case, depending on the existing availability of places.</p>
	Education Summary para 1	27	<p>Current text: For larger residential schemes of more than 10 homes, where necessary, directly, fairly and reasonably related in scale and kind to the development, the provision of educational facilities and associated infrastructure, including the provision of land (as appropriate) and extensions to existing facilities, will be secured through a Section 106 legal agreement.</p> <p>Comments: suggest re-ordering of para to make it clear that the provision of land could apply to either extensions or new build.</p> <p><u>Proposed text:</u> For larger residential schemes of more than 10 homes, where necessary, directly, fairly and reasonably related in scale and kind to the development, the provision of new or extended educational facilities and associated infrastructure, including the provision of land (as appropriate), will be secured through a Section 106 legal agreement.</p>
Property	14	54	<p>Please add in additional text at the end of 14.16 saying:</p> <p>In particular there is an increased demand for Children's Homes as a consequence of growth. New developments will place pressures upon existing Children's Homes which do not have the capacity to meet the needs of the developments. Consequently, infrastructure will be required to be delivered to meet the needs of the developments.</p>
Oliver Eden, TDC	General	General	Referring to S278 as a planning obligation makes the text confusing. Typically, S278 works would be secured at planning stage through S106 or condition. Additionally Figure 1 states they should only be used where a condition is not appropriate however agreements are often secure through condition.
	6.7	17	Add that there is limited scope for negotiation in S278 and refer to commuted sums and bonds rather than costs.

Team	Section	Page	Comment/suggested change
	6.9	17	Is there an upper limit to value or instalments etc for this?
	10.11	29	It is unclear what this paragraph is saying – it seems to me that the ‘additional’ obligations that are proposed would not meet the CIL tests particularly for major scale sites that are not CIL exempt
	Highways and Access	29	Why is this restricted to 10+ dwellings? Whilst it may not be common small sites particularly in rural areas can require infrastructure although typically secured by condition.
	10.22	30	Public transport contributions are only via S106 not S278
	Healthy and Active travel	32	As above – why restricted to 10+ dwellings and could also be secured by condition
	Travel Planning	33	This should refer to Travel Plans or Travel Information Packs
Public Transport	10.16	30	Suggest adding “bus operators” to the list of key partners
	10.17	30	Suggest defining a premium bus route as “(defined as those with a frequency of four buses per hour or more)”  Suggest altering last sentence to “S106 contributions may be requested from developers to ‘pump prime’ new routes, provide incremental enhancements to existing routes or to maintain existing routes where these are already supported by the County Council.”
	10.19	30	The 400-metre walking catchment is slightly outdated. More recent guidance suggests that the distance people will walk to access public transport varies according to the frequency and quality of the service.  Suggest revising text to:  “New residential developments should be within close proximity of a bus stop. The acceptable distance will depend on the site constraints and opportunities as well as the frequency and quality of the bus service. Walking and cycling routes to bus stops should be as direct as possible, and the design of the development should also allow space to safely access buses and ensure there is sufficient space to accommodate bus shelters/ space for bicycle storage.”
	10.21	30	Suggest revising text to:  “Further advice can be provided by the County Council at the pre-application stage on the service levels and financial contributions which are likely to be sought. On the A40 corridor, the County Council has developed a costed bus service improvement strategy to which developers will be

Team	Section	Page	Comment/suggested change
			expected to contribute. Elsewhere, a standard formula is usually applied. This information can be shared with the developer at the appropriate time.”
	10.22	30	<p>Suggest revising text to:</p> <p>“Developer contributions towards public transport will be secured in one of two ways:</p> <ul style="list-style-type: none"> <li>• Public transport services will be secured via a Section 106 financial obligation; and</li> <li>• Public transport infrastructure will usually be secured via Section 278</li> </ul> <p>via a planning obligation such as a Section 278 or Section 106 agreement. The District Council will also consider using a proportion of its CIL receipts in support of improved public transport provision across West Oxfordshire (e.g. to help meet any identified funding shortfall).”</p>
	10.22-10.23	30	<p>Insert new paragraph as follows:</p> <p>“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.”</p>
	Public Transport Summary	31	<p>Suggest revising text to:</p> <p>“For larger residential schemes of more than 10 homes, 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.</p> <p>Improvements to public transport infrastructure, where necessary, will usually be secured through a Section 278 legal agreement.</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>

Team	Section	Page	Comment/suggested change
			<p>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.</p> <p>The District Council will potentially consider using a proportion of its CIL receipts to support the wider provision of improved public transport across the District including where a shortfall of funding secured through planning obligations and/or other sources of funding may exist.”</p>
	Appendix 1	68	Amend public transport section to reflect the text above
	Appendix 2	79	<p>Under the “item” heading, amend text to:</p> <p>“Public transport services and infrastructure provision both on-site and off-site through an appropriate financial contribution”.</p>
Lucy Kennery, Lower Windrush Valley Project	Sport, leisure and recreation	33	<p>11.4</p> <p>Current text: ‘on the lakes created by sand gravel extraction.’</p> <p>Suggested text: ‘on the lakes created through sand and gravel extraction in the Lower Windrush Valley.’</p>
	Other Green Space	39	<p>11.33</p> <p>It’s not clear if for schemes of more than 200 dwellings only formal parks and gardens will be sought, or whether natural and semi-natural green space and amenity greenspace will also be required. Suggest text is updated to clarify.</p> <p>11.34</p> <p>We would like to see the addition of the following, in line with Local Plan Policy EH4: <i>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.</i></p> <p>11.35</p> <p>We would like to see a commitment to use CIL funds to support provision or enhancement of other green space across the district. For example: <i>The Council will use a proportion of its CIL receipts to support the provision or enhancement of other green space across the District. Funds for provision or enhancement of other greenspace should be directed to Conservation Target</i></p>

Team	Section	Page	Comment/suggested change
			<p><i>Areas and where stakeholder/partnership projects, such as the Lower Windrush Valley Project, already exist.</i></p> <p>Local Plan Policy EH4: Public Realm and Green Infrastructure, new development should 'provide opportunities for improvements to the District's multi-functional network of green infrastructure (including Conservation Target Areas) and open space, (through for example extending spaces and connections and/or better management), particularly in areas of new development and/or where stakeholder/partnership projects already exist', such as the Lower Windrush Valley Project and Conservation Target Areas.</p>
	Public rights of way (PRoW)	41	<p>11.42</p> <p>We would like to see a commitment to use CIL funds to support provision or enhancement of public rights of way across the district and suggest a change in wording from 'the District Council will also potentially consider using a proportion of its CIL...' to 'the District Council will use a proportion of its CIL...'</p>
	Biodiversity	43	<p>12.10</p> <p>We would like to see a commitment to use CIL funds to support provision of biodiversity enhancements across the district and suggest a change in wording from 'the District Council will also potentially consider using a proportion of its CIL...' to 'the District Council will use a proportion of its CIL...'</p> <p>We would also suggest the following addition in line with Local Plan Policy EH2 (see below): Funds for provision of biodiversity enhancements across the district should be directed towards the Lower Windrush Valley Project, the Windrush in Witney Project Area and the Wychwood Project area.</p> <p>Local Plan Policy EH2: 'Special attention and protection will be given to the landscape and biodiversity of the Lower Windrush Valley Project, the Windrush in Witney Project Area and the Wychwood Project Area.'</p>



21 December 2020

**Dear Sir/Madam,**

**West Oxfordshire : Developer Contributions Supplementary Planning Document (SPD) Draft for Consultation**

**Introduction**

1. We write on behalf of Grosvenor Developments Ltd (Grosvenor) with regard to the West Oxfordshire Developer Contributions Supplementary Planning Document (SPD) Draft for Consultation currently under consultation.
2. Grosvenor represents a consortium of landowners that controls most of the Oxfordshire Cotswolds Garden Village 'Strategic Location for Growth' (SLG) and in 2020 submitted an Outline Planning Application (OPA) for the Oxfordshire Garden Village (OGV). This is available on the WODC Planning Portal under reference 20/01734/OUT. Grosvenor is committed to working collaboratively with West Oxfordshire District Council (WODC) and other stakeholders, including the local community, to ensure that the OPA for the Garden Village is consented and delivered consistently with Local Plan aims and objectives in order to meet local need.
3. We have previously submitted representations to the CIL consultation, with Grosvenor being significantly advanced in the preparation of the OPA at that time.

**Role of the AAP and a bespoke agreement for OGV**

4. The AAP is expected to become part of the formal Development Plan. It, alongside the Eynsham Infrastructure Delivery Plan, will provide specific policies regarding infrastructure provision for OGV and is informed by bespoke pieces of evidence across a number of topics addressed by the Draft SPD including education, health, public transport, travel planning, affordable housing, green infrastructure, biodiversity, emergency services and community infrastructure. We note the draft policy provision regarding burial space which is addressed by the provision for a burial ground within the submitted planning application for OGV.

**Infrastructure delivery**

5. Grosvenor has been working closely with WODC and Oxfordshire County Council (OCC) throughout the preparation of the planning application. The extent of site-specific infrastructure associated with the new Garden Village is expected to be significant. This includes both that required

to make the development acceptable in planning terms, but also reflecting the Garden Village aspirations.

6. OGV is the single largest allocation in the WODC adopted Local Plan. The level of anticipated infrastructure provision to be delivered on or adjacent to the Garden Village site to support its development as a rural service centre will clearly be more extensive than that which would be provided for smaller developments which are able to rely on existing infrastructure and services.

7. Grosvenor is currently working with WODC and OCC to bring forward the Garden Village and its supporting infrastructure. Much of this has been identified as a key element of placemaking, as part of the site-specific evidence base and to meet the ambitions for the Garden Village. We have engaged extensively with the local community, key stakeholders and the Parish Council regarding infrastructure provision. This wider infrastructure outlined through the AAP and the OPA supporting documents, notably the site-specific Infrastructure Delivery Plan, will be secured through the Section 106 agreement and Section 278 highway agreement mechanisms.

8. We note the following in the draft SPD;

*“One of the key objectives of the Local Plan and this guidance on developer contributions is to inform applicants of the likely level of planning obligations that can be expected from proposed developments in advance of any planning application being submitted. This allows the applicant(s) to factor in these policy requirements at the earliest stage possible and reflect them in the price paid for land (known as the benchmark land value) in accordance with the Government’s planning practice guidance on viability.”*

We would request that progress be made with regard to the bespoke s106 list for OGV which will allow the site-specific infrastructure to be agreed in the context of ongoing viability discussions. We recognise the assessment of OGV as being located within a ‘High value zone’ and thus subject to 50% ‘on-site’ affordable housing being sought. It is clear that the value of affordable housing that derives from the quantum and composition, and therefore the overall Gross Development Value, will significantly affect viability considerations.

9. As provided at 3.1 of the draft, Para 34 of the National Planning Policy Framework 2019 requires that plans should set out Affordable Housing and Infrastructure contributions expected from development but ensure that the level of these contributions does not undermine deliverability of development.

10. This viability assessment is currently being undertaken to support the Area Action Plan for the Garden Village and additionally we look forward to understanding the WODC Infrastructure Funding Statement (IFS) in the context of The Eynsham Area Infrastructure Delivery Plan (July 2020).

11. While Grosvenor has carried out a viability assessment for the OPA the role for viability assessment is primarily at the plan making stage. Viability assessment should not compromise sustainable development but should be used to ensure that policies are realistic, and that the total cumulative cost of all relevant policies will not undermine deliverability of the plan. Guidance provides that it is the responsibility of plan makers in collaboration with the local community, developers and other stakeholders, to create realistic, deliverable policies. Drafting of plan policies should be iterative and informed by engagement with developers, landowners, and infrastructure and affordable housing providers.

## Conclusions

12. Considering the specific circumstances of strategic sites including OGV it is imperative to consider future delivery implications associated with contributions.

13. The s106 process, initiated by Grosvenor in January 2020, needs to progress in order for the necessary bespoke tailoring of infrastructure demands and unit triggers associated with key infrastructure items to ensure they are funded, and critically delivered.

14. As stated at the beginning of this representation, Grosvenor submitted an Outline Planning Application in July 2020. Work is awaited from WODC both on the Section 106 and the AAP viability workstreams in order to agree the targeted and appropriate collection mechanism for OGV in the form of a comprehensive, site specific and detailed Section 106 agreement combined with a zero CIL rating which has been recommended by WODC.

Sincerely,



Paul Comerford  
Director



Tel: 

## **Response to the Developer Contributions Consultation 21 December 2021.**

**Ruth Smith, name and address supplied.**

**I respond as an individual Witney town councillor and resident.**

Given that Town and Parish councils are part of the intended audience for this document (Section 1.3), they are only subsequently mentioned in relation to their share of CIL, their partnership in community halls (13.14) and responsibility for burial space (13.37, 39), until section 20.5 which mentions that they may be responsible for spending S106 funds received.

This document needs to outline a process for the involvement of town and parish councils from the outset, not least by stating that they are to be involved at the “Heads of Terms” stage (Sections 6.3, 6.7 for S106 and S278 respectively), prior to planning applications. The local knowledge, historic memory and advocacy of town and parish councils adds invaluable accuracy and insight to the process of securing the most effective developer contributions, and their input should be acknowledged in this document, as a statement of intended practice.

Active travel infrastructure (Section 10, but permeating all sections, including the Transport section) is the responsibility of the LPA but also involves the Highways Authority. As such, meaningful infrastructure delivery falls between two stones. Stating merely (in Section 10.27) that WODC expects developers to produce high quality plans for cycle routes and safe active travel does not go far enough to ensure that such plans materialise.

This document needs to provide a route for town and parish councils to request S278 agreements via WODC’s mediation in conjunction with OCC to secure the right active travel connectivity from new developments to town and village centres, schools, employment centres, transport hubs and sports facilities. When town and parish councils hear about developments too late into the process or are not invited to suggest infrastructure, or are not heard seriously when consulted, there is a huge risk that plans do not materialise and that developers build to their boundaries but fail to connect to the place’s existing infrastructure routes. S278s can be a legal agreement to build the infrastructure and/or to contribute funds, and both approaches should be used to upgrade and enhance safe cycling and walking routes away from roads, to the places residents need to go.

10.10 in the Transport section gives examples of S278 works as new junctions. Can you include cycle paths (away from roads, on routes into town or village centres that are not on roads) as examples too so that developers know it is an expectation to connect their housing estates properly? This comes before the Active Travel part of Section 10, but separating the two ideas (roads and cycle paths) is risky – too often, we see responses from OCC Highways that count parking spaces and consider traffic volumes but don’t ask for good cycle lanes or routes away from roads.

10.28 “Contributions may be sought” would better prepare developers if it said “will be sought”.

Clarification is needed in sections 6.9 and 6.10 as to how a “unilateral undertaking” is enforceable and how these funds are reported for transparency and made available to town and parish councils.

Section 7.8 under the Viability header mentions 7.8 mentions the responsibilities of other public bodies, eg OCC. You need a clause that gives power to your elbow for other statutory but not public bodies such as Thames Water outlining their expectations and necessary works and fulfilling their infrastructure obligations. Adequate sewerage provision is an important viability factor, in the workable and pragmatic sense of the word, as well as the financial sense. Section 18.1-18.4 deals with utilities but does not mention the sewerage inadequacies that plague several areas of West

Oxfordshire and does not outline timescales, conditions or measures WODC will take in conjunction with Thames Water to ensure that developments do not worsen the CSO situation. Thames Water have begun responding to planning applications with suggested conditions – how is monitoring and enforcement of those conditions going?

I remain hopeful that the proposed zero rate of CIL for SDAs will be overturned. Issues such as the shortfall in early education places in Witney could be addressed by CIL, given that large developments generate need for more spaces but those spaces do not have to be on site. Sports facilities spread across a town or village are another example of amenities impacted greatly by large developments that CIL would helpfully fund. However, it is good to see that WODC intends to request a broad range of contributions via S106 whether or not CIL is payable on the strategic sites.



# Developer Contributions SPD (Draft)

## Representation Form

REF:

(For Official Use Only)

Name of the Document to which

this representation relates:

**Please Return to West Oxfordshire District Council by 5pm, Monday 21 December 2020**

**By Post:** Planning Policy,  
West Oxfordshire District Council,  
Elmfield,  
New Yatt Road,  
Witney,  
Oxon.  
OX28 1PB

**Or by Email:** [planning.policy@westoxon.gov.uk](mailto:planning.policy@westoxon.gov.uk)

**This form has two parts-**

**PART A – Personal Details**

**PART B – Your Representation(s).**

**Please fill in a separate sheet for each representation you wish to make**

### PART A

#### 1. Personal Details

#### 2. Agent's Details (If applicable)

Title	Mr	
First Name	Bob	
Last Name	Sharples	
Job Title	Principal Planning Manager	
Organisation	Sport England	
Address Line 1	Bisham Abbey	
Line 2	Marlow Road	
Line 3	Bisham	
Line 4	Marlow	
Post Code	SL7 1RR	
Telephone Number	██████████	
Email Address	████████████████████	



## Developer Contributions SPD (Draft)

### Representation Form

REF:

(For Official Use Only)

### PART B – Please use a separate sheet for each representation

Name or Organisation: Sport England

#### 3. To which part of the SPD does this representation relate?

Paragraph

Section 11

Table

General

#### 4. Please give details of your response below, include as much information and detail as you can.

Sport England wishes to support two items in section 11: Sport, Leisure and recreation.

Sport England has been working with WODC in providing some information around the indoor provision. The proposed 'policy' *Indoor sports and Leisure Summary – type of developer contribution to be sought* is one which Sport England can support. We are pleased to see that the option for off-site contributions has been included, as a pragmatic solution to some constrained sites.

Sport England is looking forward to working with WODC to produce a robust strategy to underpin this policy.

Sport England also supports the principles of the *Outdoor Sports: Summary – type of developer contribution to be sought*, policy. We are looking forward, again, to working with WODC to produce a robust strategy to underpin this policy.

9.

Signature

Date

21 December 2020  
Delivered by email

Planning Policy Team  
West Oxfordshire District Council  
Elmfield  
New Yatt Road  
Witney  
OX28 1PB

Ref: TAYR3027

Dear Sir/Madam

## DRAFT DEVELOPER CONTRIBUTIONS SPD

We write in response to the current consultation on the Draft Developer Contributions SPD on behalf of our clients the North Witney Land Consortium. The Consortium controls the majority of the allocated North Witney Strategic Development Area (Policy WIT2) of the Local Plan (2018) and is comprised of the following parties:

- Taylor Wimpey
- Gleeson Developments
- Meridian Strategic Land (Stein)
- Cranbrook Construction
- L&Q Estates.

### Approach to the preparation of SPD's

It is essential that the preparation of this SPD should not fetter or obstruct in any way, the ability of the Local Plan to support sustainable development over the period to 2036. More fundamentally, we note that the SPD seeks to establish new policy requirements and expectations which are not contained within adopted Development Plan Documents.

We note that the PPG explains the role of SPDs and states that:

*"Supplementary planning documents (SPDs) should build upon and provide more detailed advice or guidance on policies in an adopted local plan. As they do not form part of the development plan, they cannot introduce new planning policies into the development plan. They are however a*

The Pinnacle  
20 Tudor Road  
Reading  
RG1 1NH

T 0118 902 2830 [turley.co.uk](http://turley.co.uk)



*material consideration in decision-making. They should not add unnecessarily to the financial burdens on development.” (our emphasis)*

Consequently, this SPD should only provide more detailed advice or guidance on policies in the adopted Local Plan. The SPD should not, as appears to be the case in some circumstances, seek to amend or change the requirements of the adopted Local Plan.

## **1. Introduction**

Whilst the SPD helpfully lists the documents it should be read in conjunction with, this fails to list the Council’s draft Community Infrastructure Levy (CIL) Charging Schedule and supporting evidence base. The CIL Charging Schedule was due to be submitted for Examination in October 2020 however at the time of writing had yet to be submitted. Although the CIL Charging Schedule has yet to be examined, there is clearly an important relationship between the current SPD consultation and the emerging approach to CIL, which should be acknowledged by the SPD. It is assumed that by the time of the second round of consultation on the Developer Contributions SPD in Spring 2021 (if preparation of the SPD proceeds), examination of the CIL may have taken place and can therefore further inform this process.

In relation to the North Witney SDA it is important to recognise that the Development Plan comprises both the Local Plan (2018) and the Hailey Neighbourhood Development Plan (2019) and this should also be acknowledged in the SPD, alongside any other made Neighbourhood Plans.

## **2. What are developer contributions?**

The SPD does provide commentary to seek to clarify the role of CIL and Section 106 and their relationship to the SPD. In discussing the current draft CIL Charging Schedule, the SPD states:

*“It can be seen that the proposed CIL charges for larger residential schemes of 11 or more homes are much lower than smaller schemes of 1 – 10 dwellings. This reflects the fact that larger schemes make a much greater contribution through a planning obligation including for example affordable housing provision, transport improvements and sports and leisure facilities.”*

It is concerning that this fails to recognise the onsite infrastructure required under the Local Plan to be delivered by the strategic sites, such as the northern distributor road for the North Witney SDA. Clearly these are significant additional costs experienced by these sites, as reflected in the draft CIL Charging Schedule and the proposed ‘zero rating’ of these sites, which should also be recognised by the SPD.

## **7. Viability**

The SPD refers to the Council’s starting point being that planning applications are viable given the viability assessment work undertaken at the Local Plan stage. It is important to recognise however that the Local Plan was examined under the National Planning Policy Framework (NPPF) 2012 and therefore was not subject to the same degree of viability assessment at the Examination stage as is now required under the NPPF 2018. The SPD should be updated to correctly reflect this position.

It is important to note that the emerging CIL charging schedule has however been subject to detailed viability assessment, and this proposes that the SDA sites should be ‘zero rated’.

We have commented separately on the CIL charging schedule and its evidence base and as such do not repeat these comments here. It is however necessary to recognise that the current SPD consultation document has not been subject to any viability assessment. It is also unclear whether the requirements which it seeks to introduce have informed the CIL viability assessment.

Concern is therefore raised that the current approach of the SPD at worst risks rendering key allocations in the Local Plan unviable and undeliverable; and at best significantly delays the delivery of the strategic allocations in the Local Plan whilst viability negotiations would be required to be undertaken for each individual site.

If the Council's CIL evidence base recognises the significant infrastructure requirements placed upon the SDA's, then so should this SPD. In the absence of any additional or contrary viability evidence, we submit that the SPD must similarly result in a zero contribution requirement from the SDA sites as their infrastructure requirement will be met on site and secured through appropriate Section 106 Agreement's.

The Council's last five year housing land supply position was published in October 2019 with a base date of 1<sup>st</sup> April 2019 and concluded the Council could demonstrate a 6.8 year housing land supply. This supply assumed delivery of 2,150 dwellings from allocations in the Local Plan with that 5 year period, equivalent to 2.49 years of the Council's anticipated supply. Should the delivery of these sites be delayed by protracted viability discussions then this would impact on the Council's ability to demonstrate a five year housing land supply, particularly when the current flexibilities afforded by the Oxfordshire Growth Deal (including the requirement to only demonstrate a three year housing land supply), expire in March 2021.

### **Part 3 – What developer contributions will be sought in West Oxfordshire?**

The introductory sentence to the SPD states that the purpose of the SPD is:

*“to set out in a transparent manner, the approach that will be taken by West Oxfordshire District Council in securing new and improved infrastructure to support growth in the District through the use of planning obligations and the Community Infrastructure Levy (CIL).”*

As clearly demonstrated below, the SPD fails to meet this aspiration and instead introduces greater uncertainty regarding the deliverability and viability of the SDA sites in particular, and therefore raises doubt regarding the Council's ability to meet its adopted Local Plan requirements.

Based on the information provided in Part 3 of the SPD it appears the North Witney SPD could be expected to provide the following infrastructure components (in addition to the requirements set out in the Local Plan Policy WIT2):

- Indoor sports and leisure facilities
- Outdoor sports facilities
- Play provision to include LAP, LEAP, NEAP and MUGA (although play space is assumed to be required as part of the SDA, the SPD seeks to introduce significantly greater requirements)
- Amenity greenspace, natural and semi-natural greenspace, and formal parks and gardens (although open space is assumed to be required as part of the SDA, the SPD seeks to introduce significantly greater requirements)
- Community facilities
- Community services including libraries, adult and children support services and museums
- Burial space

- Primary health care – including the potential requirement for provision of land or buildings
- Secondary health care
- Contributions towards extra care housing, care/nursing homes, adult and social care and family safeguarding
- Fire and Rescue – including the potential requirement for provision of land or buildings
- Policing/community safety – including the potential requirement for provision of land or buildings
- Ambulance service – including the potential requirement for provision of land or buildings.

As set out previously in these representations, the SPD should not seek to establish new policy requirements and expectations which are not contained within Development Plan Documents. Furthermore the SPD provides no clarity on the scale of contribution (financial or otherwise) which would be sought from the SDA sites in relation to the above and it is apparent this approach has not been subject to viability assessment.

Notably a significant proportion of the additional requirements which the SPD seeks to introduce may seemingly be required to be delivered on the SDA sites themselves. There is no evidence to confirm that these are required, or would meet the statutory CIL tests.

Notwithstanding our in principle objection to this approach as already stated, the Council have provided no assessment of the implications of these additional requirements on the quantum of development that the SDAs could be expected to deliver. The SPD risks rendering the Local Plan undeliverable and resulting in the Council failing to meet their housing requirements both within the five year period but also over the Plan period as a whole. Clearly the approach the SPD seemingly seeks to introduce is inappropriate in the extreme and requires significant amendment or abandonment to ensure the Local Plan allocations can be brought forwards.

Should the elements identified above have been a requirement of the SDA sites to deliver, these should have formed part of the allocation for the site. Plainly this was not done and therefore the SPD should not seek to introduce additional policy requirements. Indeed, some of those components, such as burial grounds, were proposed within the submitted Hailey Neighbourhood Development Plan (2019) and were ultimately struck through by that Examiner. This document appears to try yet again to introduce over onerous requirements that are not required to make the development of our client's site acceptable in planning terms.

We now consider some of the specific requirements proposed in turn.

With regards to the potential requirement for a community facility, it should be noted that the North Witney Land Consortium has identified that the new primary school which would be delivered on site could also be developed as a new community hub which could potentially serve the development with local facilities and services such as a community hall. No additional facilities would be required.

At the time of the preparation of the Local Plan, the Clinical Commissioning Group will have been consulted in the preparation of the Local Plan and no requirement has been identified that has led the Council to require the provision of new health care facilities on the North Witney SDA site. We note from the NHS website that all three GP surgeries in Witney are currently accepting new patients. Should the

existing facilities require upgrades or expansion as a result of the increased resident population then these can be secured via Section 106 contributions or CIL subject to meeting the relevant tests at that time.

Contrary to the approach demonstrated above where the Council seek to introduce additional requirements for the SDA sites, it is also noted that the SPD fails to reflect that some of the SDAs will already be making onsite provision for some forms of infrastructure, such as the primary school on the North Witney SDA site. It is considered that this does not aid clarity. Similarly some of the SDAs will be providing mitigation for air quality through the proposals and as such should not be requested to additionally make a financial contribution towards further mitigation. Indeed, in terms of air quality, our understanding is that the position in Witney has improved over recent years and the impacts on the AQMA are becoming less severe.

We note that the SPD references the potential for major and strategic scale development to contribute towards strategic transport schemes. It is assumed that this particularly refers to the A40 corridor improvements referred to earlier in the SPD. Whilst our client team were invited to a meeting with WODC and Oxfordshire County Council to discuss this matter in August 2020, dates are still awaited from Oxfordshire County Council so there is no further information available as to the scale of contribution being sought. This must also be considered in the context of the proposed CIL zero rating of the site. We also understand that the Oxfordshire Growth Fund and relevant HIF Funding is being earmarked for such work, and it would therefore not appear to be necessary for allocated sites to fund any such works.

## SUMMARY

It is clear that the Council have not tested the viability implications of the additional requirements the SPD seeks to introduce on the SDA sites. In consulting on the CIL draft Charging Schedule in July to August 2020, the Council itself stated that the majority of residential sites were able to afford to pay CIL, with:

*“the exception [of] the five strategic site allocations from the Local Plan 2031 (Garden Village, West Eynsham, East Witney, North Witney and East Chipping Norton) which are recommended to be exempt from CIL on viability grounds. Essentially because of the substantial costs of site related infrastructure which is require to reduce their impact.”*

Whilst the 2019 amendments to the CIL Regulations make it possible for authorities to use funds from both CIL and Section 106 planning obligations to pay for the same piece of infrastructure, it is plainly illogical for the Council to conclude that sites are unable to pay CIL but to seek Section 106 obligations for the same infrastructure and potentially to the same or greater cost.

Significant concerns are raised regarding the SPD in its current form which does not accord with Government guidance and potential renders the Local Plan undeliverable, or introduces significant delays in its delivery. We would be happy to meet with the Council to discuss our concerns but currently consider the SPD needs significant amendment or abandonment as it fails to meet the Council's own objective for its preparation. At the very least, all SDA sites should be excluded from it.

Yours sincerely

[Redacted]

Donna Palmer  
**Associate Director**

[Redacted]

---

**From:** Planning Policy Vale <planning.policy@whitehorsedc.gov.uk>  
**Sent:** 18 December 2020 10:14  
**To:** Planning Policy (WODC)  
**Cc:** Lane, Andrew  
**Subject:** RE: Developer Contributions SPD

Good morning

Thank you for the opportunity to comment on the Developer Contributions SPD.

We have no comments to make at this time.

However, please do keep us informed on the progress of the SPD, e.g. the revised draft.

Kind regards  
Emma

The Planning Policy Team  
Vale of White Horse District Council  
[REDACTED]  
[REDACTED]

Visit us at: [www.whitehorsedc.gov.uk](http://www.whitehorsedc.gov.uk)

To find out more about how the council holds, uses and stores your personal data, please click [this link](#)

---

**From:** West Oxfordshire Planning Policy Consultations (do not reply) <[do-not-reply@planningconsultation.westoxon.gov.uk](mailto:do-not-reply@planningconsultation.westoxon.gov.uk)>  
**Sent:** 07 December 2020 15:20  
**To:** Planning Policy Vale <[planning.policy@whitehorsedc.gov.uk](mailto:planning.policy@whitehorsedc.gov.uk)>  
**Subject:** Developer Contributions SPD Reminder

## Message from West Oxfordshire Planning Policy Consultations

Dear Sir/Madam,

You've previously been invited to comment on West Oxfordshire District Councils "Developer contributions supplementary planning document". If you haven't yet made a response you can [here](#). The link provided details the different ways you can submit responses.

If you have any questions please get in touch with us via [planning.policy@westoxon.gov.uk](mailto:planning.policy@westoxon.gov.uk)

Kind Regards, Oliver Murray.

---

**From:** Vicky G [REDACTED]  
**Sent:** 22 December 2020 16:56  
**To:** Planning Policy (WODC)  
**Subject:** Developer Contributions SPD Consultation

Hi

Really sorry – a day late so you may not choose to pick it up – but worth a try in case you do! I will raise in the next round of the consultation if not considered for this one.

With reference to the above and specifically section 11 – sport recreation and leisure – I would like to make the following comments.

- There needs to be a greater understanding of the impact developments can have on the demand of sports and leisure facilities for our towns – this is not just developments within a particular town – but also in the surrounding villages which place increasing pressures on facilities within the larger towns (with no following financial contribution).
- There is also the knock on impact of one town having facilities that fall short, on other towns that have more modern facilities – especially over the winter months.
- Appreciation of ownership of all sites is extremely important in terms of establishing any proper joined up strategy moving forward, based on local knowledge. In Witney, those sites are owned predominantly by the town council yet it plays a very small part in the formulation of any S106 funding strategy. Proper town/parish involvement should be a requirement in the early stages.
- Revenue generating sites seem to be retained by WODC which leaves the town councils with limited means of generating funds to bring about improvements to the bulk of the remaining sports assets. As acknowledged, buildings/sites are very run down for a town this size, pitch quality is poor and our sports facilities do not meet the expectations of residents. Funds from S106 contributions to the asset owners have been largely inadequate and not at all timely. There needs to be an ongoing strategy in place and (realistic) funds set aside for renewal of these facilities. We should not underestimate the extent to which these are ‘adverts’ for Witney (for travelling teams) yet are rated as some of the worst in the various leagues.
- The availability of suitable land with decent drainage is an issue – there may be more flexibility to build this into new sites. Changing facilities and social areas are also a crucial part of this if we are to encourage greater use by all sections of the community – and should be automatically built into any provision.
- There still seems to be a link between school sites and provision of leisure facilities in planning. It is a nice idea but in practice presents numerous issues in terms of safeguarding and access for the wider community. It imposes cost/renovation/management requirements on schools, who are not necessarily financially best placed to bring these about, and takes control away from local councils when it comes to ensuring the needs of the community are met. It would work much better the other way round.
- I can tell you what the strategy documents will raise as the key issues! They were also the key issues in 2014 – yet little progress has been made to address them. Once in place and agreed, they should be the go to planning document - providing a clear picture of what needs to be tackled and when which is formulated with proper input from facility owners. This will also help town councils plan. It is all rather disjointed and ad hoc at the moment.
- There should be better definition of what is required in play areas- often these are complete oversights and just a tick in the box – some do not provide anything meaningful to the members of the communities in which they are placed.

To confirm, I chair the Sports & Play committee and Witney Town Council, but I am responding to the consultation as an individual.

With best wishes

Vicky

Sent from [Mail](#) for Windows 10



---

**From:** Nicky Cayley [REDACTED]  
**Sent:** 21 December 2020 11:05  
**To:** Planning Policy (WODC)  
**Cc:** Adam Clapton  
**Subject:** Developer Contributions Supplementary Planning Document

Dear Planning Policy Department

Witney Town Council wishes to make the following response to the Developer Contributions Supplementary Planning Document:-

This consultation does not communicate clearly to the public the intentions of how funding from developers will be sought. It is 83 pages long and it does not summarise clearly at the front what will happen. The consultation appears impenetrable and unwieldy and the Town Council is concerned that the public may not understand and be able to engage with this.

The Town Council believe that the whole town is impacted by strategic development and wishes to be able to exercise discretion in where the developer contributions are spent, which is the whole point of the Community Infrastructure Levy.

The Town Council would appreciate much better collaboration between the three tiers of Council in terms of Section 106 contributions, to seek out and find solutions for the spending of Section 106 funds and a more transparent tracking system that allows the Town Council to know what has been allocated to Witney.

The Town Council would also appreciate an "easy read" version that everyone is able to understand.

Kind regards

Nicky Cayley B.A (Hons) CiLCA

**Democratic Services Officer and Secretary to the Mayor**

Witney Town Council  
Town Hall  
Market Square  
Witney  
OX28 6AG

Direct Line: [REDACTED] - Calls to this number may be recorded for monitoring/training purposes.

*Please note my working days are Monday – Thursday*

: For more information [www.witney-tc.gov.uk](http://www.witney-tc.gov.uk) | Facebook - Witney Town Council | Twitter @witneytowncouncil  
| Witney Town Council App search app store for Witney Town Council or download from



Please don't print this e-mail unless you really need to

This e-mail (including any attachments) may be confidential and may contain legally privileged information. You should not disclose its contents to any other person. If you are not the intended recipient, please notify the sender immediately.

Whilst the Council has taken every reasonable precaution to minimise the risk of computer software viruses, it cannot accept liability for any damage which you may sustain as a result of such viruses. You should carry out your own virus checks before opening the e-mail (and/or any attachments).

Unless expressly stated otherwise, the contents of this e-mail represent only the views of the sender and does not impose any legal obligation upon the Council or commit the Council to any course of action.