

# Developer Contributions – Delivering Infrastructure to Support Development SPD

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## **Executive Summary**

New development plays an important role in any prosperous community. Whether it is providing new homes, employment or leisure facilities, development is essential to provide for the future. However, new development comes with its pressures on the environment and community, the impact on our roads, schools and general amenity.

This Supplementary Planning Document (SPD) identifies how the Council will ensure new development contributes to infrastructure such as roads, schools, community facilities, leisure facilities and open space.

The Council will seek to secure contributions for infrastructure (financial, land and on site delivery) necessary to support new development.

The Community Infrastructure Levy (CIL) is a way the Council can raise funds from new developments. The money can be used to fund the provision of strategic infrastructure throughout the District. In most cases planning obligations (also known as S106) will be used to mitigate the direct impacts of a proposed development. S106 will also be the primary mechanism for infrastructure provision on strategic development sites that do not make a contribution through CIL, and for securing affordable housing on all sites where there is a net gain of 11 or more dwellings.

In addition to CIL and S106 developer contributions, Oxfordshire County Council (OCC) can use S278 of the Highways Act to seek contributions from developers for improvements or changes to public roads.

There are different purposes and legislative rules for each of the developer contributions mechanisms. This document seeks to clarify which mechanism will be applied in which circumstances, whilst ensuring the provision of sustainable development in line with the policies of the Development Plan and other relevant considerations.

## **1 Introduction**

### **Purpose of this document**

- 1.1 This Supplementary Planning Document (SPD) is relevant to all development proposals including residential, employment and retail. Its purpose is to:
- set out the Council's approach towards developer contributions following the introduction of the Council's Community Infrastructure Levy (CIL) Charging Schedule;
  - outline each of the contributions mechanisms, the legislative and policy context (including the relevant Local Plan policies);
  - identify which contributions mechanisms will be used in which circumstances; and
  - explain what is expected of applicants and what the applicant can expect from the Council in relation to securing infrastructure through planning contributions.
- 1.2 This SPD takes effect from the date that the Council implements its CIL Charging Schedule.

### **Developer Contributions**

- 1.3 Developer contributions seek to mitigate the negative impacts of development, address infrastructure needs, contribute towards placemaking, and meet Local Plan policy requirements.
- 1.4 There are three main mechanisms used to secure infrastructure funding and provision: the Community Infrastructure Levy (CIL), S106 of the Planning Act and S278 of the Highways Act. Planning conditions may also be used to secure non-financial mitigation, to define timing or apply standards.

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

- 1.5 CIL is charged on new development in the District, in accordance with the Council's CIL Charging Schedule and the CIL Regulations 2010 (as amended). The monies received from CIL will be pooled together to help fund infrastructure to support development in the district. CIL has been set at a level that does not threaten the viability and delivery of development identified in the Vale of White Horse Local Plan 2031 Part 1 (LPP1).
- 1.6 The Council has published a Regulation 123 List, which lists projects or types of infrastructure that it may fund, in whole or part via CIL. Any infrastructure on the list cannot be sought through S106 or S278. The Regulation 123 List also indicates where infrastructure is excluded from being funded by the levy, and is expected to be funded through S106/S278 planning obligations.

- 1.7 The Council will develop a CIL Spending Strategy setting out how the spending of CIL funds will be prioritised and administered. It is possible to spend CIL on projects not listed in the Regulation 123 list.
- 1.8 There are several exemptions and reliefs to CIL that can be applied for to reduce or remove the amount of CIL payable. Vale of White Horse CIL Charging Schedule information and documents can be found on the Council's website<sup>1</sup>.

### **S106 Planning Obligations**

- 1.9 S106 agreements are used to secure infrastructure contributions, which can be financial, provide land/infrastructure, meet policy objectives e.g. affordable housing, and impose restrictions on land, development or activities.
- 1.10 As set out in CIL Regulation 122, S106 obligations should only be used to secure infrastructure where they are:
- necessary to make a development acceptable in planning terms;
  - directly related to a development;
  - fairly and reasonably related in scale and kind to the development.
- 1.11 As set out in the National Planning Policy Guidance (PPG)<sup>2</sup>, tariff-style S106 contributions cannot be sought from small-scale, self-build or starter homes developments.
- 1.12 The pooling of S106 obligations is restricted by CIL Regulation 123. New obligations cannot be required where more than 5 pooled contributions towards that type of infrastructure or infrastructure project have been entered into since 6 April 2010.
- 1.13 A planning obligation is usually an agreement between interested parties, e.g. developer, landowners, the District Council and OCC. However, it can also be in the form of a unilateral undertaking (where the developer makes an unconditional promise) that is offered to the District Council by a developer to make the application acceptable in planning terms.

### **Section 278 Agreements**

- 1.14 An agreement made under S278 of the Highway Act 1980 is a legally binding agreement between the developer/s and OCC as Highway Authority to fund, or undertake, alterations or improvements to the public highway where OCC consider the agreement is of benefit to the public.

### **Planning Conditions**

- 1.15 In addition to developer contributions, planning conditions attached to the planning permission may set out details or required standards,

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<sup>1</sup> [www.whitehorsedc.gov.uk/cil](http://www.whitehorsedc.gov.uk/cil)

<sup>2</sup> Paragraph: 031 Reference ID: 23b-031-20161116

timeframes, and works which must be carried out at set stages. Failure to comply with planning conditions could make a development unlawful and un-implementable in its original form. However, planning conditions may not require the payment of money or the transfer of land ownership.

## **2 Relationship between CIL, S106 planning obligations, S278 Agreements and Conditions**

- 2.1 Table 1 below summarises the relationship between the three key developer contributions mechanisms (CIL, S106 and S278) and planning conditions.

<b>Table 1: Interaction between CIL, Section 106, Section 278 Agreements and planning conditions</b>		
<b><u>Mechanism</u></b>	<b><u>Purpose</u></b>	<b><u>Use</u></b>
Community Infrastructure Levy	Can be pooled into one fund and used for any infrastructure needed to support the development of the District.	District wide infrastructure
Section 106 planning obligation	Can secure specific on-site infrastructure and contributions towards off-site infrastructure required to make development acceptable in planning terms	To secure policy requirements e.g. Affordable Housing.  To address/mitigate direct impacts of development including the provision of infrastructure in accordance with the Regulation 123 List.
Section 278 Agreements	Allows developers to fund alterations and improvements to the public highway in the public interest.	Highway improvements and alterations to address the impact of new development on the network.
Planning condition	To address the potential adverse effects of the proposed development and mitigate them and/or ensure compliance with development plan policy and enable development proposals to proceed where it would otherwise be necessary to refuse planning permission.	When granting planning permission.

### **3 Policy Framework**

- 3.1 Development should be determined in accordance with the Development Plan (Local Plan, Saved Policies, and Neighbourhood Plans) and other material planning considerations<sup>3</sup> e.g. National Policy, corporate documents etc.

#### National level

- 3.2 Nationally the policies relating to developer contributions and sustainable development are set out in the National Planning Policy Framework (NPPF) (particularly paragraphs 203 to 205) and guidance is contained in the PPG.

#### Local level

- 3.3 Development proposals should be considered in line with the;
- Vale of White Horse Local Plan 2031 Part 1 (LPP1)
  - Saved policies of the Vale of White Horse Local Plan 2011 (until replaced by the Vale of White Horse Local Plan 2031 Part 2)
  - Made (adopted) Neighbourhood Plans
  - Supplementary Planning Documents
  - Infrastructure Delivery Plans and supporting evidence
- 3.4 This Supplementary Planning Document (SPD) supports the delivery of the LPP1 and saved policies of the Local Plan 2011 and is an important material planning consideration in the decision making process of planning applications. A summary table of the relevant Development Plan policies is set out in **Appendix 1**.
- 3.5 In addition, other relevant documents such as the OCC Local Transport Plan will also be material considerations in determining planning applications.
- 3.6 The main Development Plan policy that this document seeks to support is to Core Policy 7: Providing Supporting Infrastructure and Services of the Vale of White Horse LPP1.

### **4 Development Contributions**

- 4.1 The overarching LPP1 core policies relating to the provision of affordable housing and infrastructure are CP4, CP7, CP37, and CP38. There are also policies that apply specifically to types of infrastructure (**Appendix 1**) and/or to strategic sites. To make development in the District sustainable and to deliver high quality places applicants need to address

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<sup>3</sup> Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

the policies of the development plan, infrastructure requirements and other material considerations (national policy, Transport Plan<sup>4</sup>).

- 4.2 The summary table below provides an overview of what contributions will be requested from development, dependant on development type, location and size. This is followed by further detail on the types of infrastructure that need to be delivered, and how they will be funded. It is important that all infrastructure requirements are factored into the cost of a potential development when negotiating to buy, or taking an option, on a site and that infrastructure provision is an integral part of the planning application submission.
- 4.3 Up-to-date information on the costs of delivery of specific infrastructure types, and the associated financial contributions that will be sought from development, are available on the Council's and County Council's websites. This information is updated annually to take account of indexation and inflation.

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<sup>4</sup> Connection Oxfordshire: Local Transport Plan, at: <https://www.oxfordshire.gov.uk/cms/public-site/connecting-oxfordshire>



**What contributions will a development be expected to make?**

Development Type		CIL	S106/S278 (Subject to meeting Regulation 122 tests)	
			In Most Cases	In Specific Circumstances
<b>Residential Development (Zones 1 &amp; 2)</b>	<b>Up to 10 dwellings/0.1ha*</b>	£120/sqm in Zone 1 £85/sqm in Zone 2	<ul style="list-style-type: none"> <li>• Direct transport mitigation measures      DEV3</li> <li>• <i>On-site</i> waste facilities                      DEV16</li> </ul>	Site specific mitigation as required**
	<b>10 dwellings/0.1ha* - 14 dwellings/0.5ha</b>		In addition to the requirements for up to 10 dwellings: <ul style="list-style-type: none"> <li>• Affordable housing                              DEV1</li> <li>• Street naming and numbering              DEV19</li> </ul>	
	<b>Over 15 dwellings/0.5ha</b>		In addition to the requirements for up to 14 dwellings: <ul style="list-style-type: none"> <li>• <i>On-site</i> open space and play areas      DEV5/6</li> <li>• Public art    DEV13</li> </ul>	
	<b>Over 200 dwellings/6ha</b> <b>Allocated sites</b>		In addition to the requirements for over 15 dwellings: <ul style="list-style-type: none"> <li>• <i>On-site</i> provision (as identified in the IDP for allocated sites) of: <ul style="list-style-type: none"> <li>- educational facilities                      DEV2</li> <li>- outdoor sports and recreation          DEV4</li> <li>- allotments    DEV7</li> <li>- community halls                              DEV8</li> <li>- health facilities                                DEV9</li> <li>- community safety/policing facilities    DEV11</li> </ul> </li> </ul>	
<b>Residential Development (Zone 3)</b>  <b>Strategic sites</b>	£0/sqm	<ul style="list-style-type: none"> <li>• Affordable housing                              DEV1</li> <li>• Educational facilities                            DEV2</li> <li>• Direct and strategic transport mitigation    DEV3</li> <li>• Outdoor sports and recreation              DEV4</li> <li>• Open space and play areas                    DEV5/6</li> <li>• Allotments    DEV7</li> <li>• Social and community facilities            DEV8</li> <li>• Health facilities                                 DEV9</li> <li>• Community safety/policing facilities      DEV11</li> <li>• Public art    DEV13</li> <li>• Waste facilities                                 DEV16</li> <li>• Street naming and numbering              DEV19</li> </ul>		
<b>Extracare and care homes</b>	£0/sqm	<ul style="list-style-type: none"> <li>• Affordable housing                              DEV1</li> </ul>	Site specific mitigation as required**	

Development Type	CIL	S106/S278 (Subject to meeting Regulation 122 tests)	
		In Most Cases	In Specific Circumstances
		<ul style="list-style-type: none"> <li>• Direct and strategic transport mitigation DEV3</li> <li>• Open space DEV5</li> <li>• Social and community facilities DEV8</li> <li>• Public art (sites over 0.5ha) DEV13</li> <li>• <i>On-site</i> waste facilities DEV16</li> <li>• Street naming and numbering DEV19</li> </ul>	<ul style="list-style-type: none"> <li>• Outdoor sports and recreation DEV4</li> <li>• Health facilities DEV9</li> </ul>
<b>Supermarkets and retail warehousing</b>	£100/sqm	<ul style="list-style-type: none"> <li>• Direct transport mitigation measures DEV3</li> <li>• Public art (sites over 0.5ha) DEV13</li> </ul>	Site specific mitigation as required** <ul style="list-style-type: none"> <li>• Social and community facilities DEV8</li> </ul>
<b>All other development e.g. employment</b>	£0/sqm	<ul style="list-style-type: none"> <li>• Direct and strategic transport mitigation DEV3</li> </ul>	Site specific mitigation as required** <ul style="list-style-type: none"> <li>• Employment, skills &amp; training DEV16</li> </ul>

\* In designated rural areas, including AONB, a threshold of under 6 dwellings applies.

\*\* Site specific mitigation measures required are dependent on the individual circumstances and location of the site, and could include:

- Land for educational facilities DEV2
- Provision or enhancement of public realm/historic environment DEV13
- Biodiversity and green infrastructure mitigation measures DEV15
- Air quality mitigation measures DEV17
- Flood protection and water management measures DEV18
- Forward funding of waste water capacity development (direct with Thames Water)

## **Affordable Housing**

- 4.4 The NPPF (paragraphs 50 and 54) indicates that where there is an objectively assessed need for affordable housing in a market area Local Planning Authorities (LPA) should set policies to meet this need. It refers to the size, type, tenure and range of housing that should reflect local demand.

<b>DEV1 Affordable Housing</b>
<i>Residential Zones 1, 2 &amp; 3; extracare, nursing and care homes</i>
Affordable housing will be sought in accordance with Core Policy 24 and secured through a S106 obligation.

- 4.5 Core Policy 24 of the LPP1 states that 35% affordable housing will be sought with a tenure mix of 75% affordable rented and 25% intermediate housing on sites of eleven or more dwellings.

## **Education**

- 4.6 As set out in paragraph 72 of the NPPF, the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Education provision includes nursery, pre-school, primary, secondary, sixth form and special needs education.
- 4.7 OCC publish a Pupil Place Plan<sup>5</sup> which sets out how it expects school provision to change over the next few years, and the issues OCC will face in meeting its statutory duties for providing nursery and school places including those due to new housing.

<b>DEV2 Education</b>	
<i>Residential Zones 1 &amp; 2</i>	<i>Residential Zone 3</i>
Provision or extension of educational facilities relating to particular sites will be secured through S106 in accordance with the Regulation 123 List.  Contributions towards land for educational facilities will be secured through S106.  The costs of building works to extend existing schools would most	Provision (including land) and extension of educational facilities will be secured through Section 106.

<sup>5</sup> <https://www.oxfordshire.gov.uk/cms/content/pupil-place-plan>

appropriately be funded through CIL.

- 4.8 Where a site is due to make an education contribution through S106 a calculation of expected pupil numbers will be made by the County Council. S106 contributions towards nursery, primary, secondary (inc. sixth form) and special educational needs will be sought in accordance with the Regulation 123 List.
- 4.9 Contributions towards educational infrastructure will be calculated by assessing the number of pupils, of the appropriate age, arising from the net increase in dwellings and the cost of providing the infrastructure required to meet the needs of the pupils generated.
- 4.10 The requirement for new provision has been set out in the Council's IDP. It will be important to identify the proposed school site in the master planning stage and ensure that it is of a size sufficient to meet the needs arising from the development and allowing for expansion.
- 4.11 Where land is required for educational facilities, detailed discussions will be necessary in order to agree the actual boundaries of the site allocated, including the location, and timing of access and services. Land will need to be provided fully remediated and suitable for educational use and there may be additional payments to cover any abnormal costs associated with the build. Further land may be required where it is necessary to provide additional facilities co-located with the school.
- 4.12 In circumstances where it is not possible to provide school places within a reasonable walking distance an additional contribution towards the cost of providing transport for children to school may be required and secured through a S106 planning obligation. The contribution would reflect the cost of providing the transport for a defined period of time<sup>6</sup>.

### **Transport**

- 4.13 Section 4 of the NPPF requires the planning system to promote sustainable transport. The provision of viable transport infrastructure necessary to support sustainable development is important in facilitating sustainable development. It also makes an important contribution towards the wider sustainability and health objectives of the Government.
- 4.14 New development in the district will place additional pressure on the District's transport and highway networks including public transport infrastructure, bus services and pedestrian and cycle routes. Core Policy 7 of LPP1 sets out that new development must be served and supported by appropriate on and off-site infrastructure and services. Core Policy 35 requires that new developments

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<sup>6</sup> More information on OCC's home to school travel policy is available from <https://www.oxfordshire.gov.uk/cms/public-site/travelling-school>

which generate significant amounts of movement must be supported by an appropriate transport assessment and travel plan where appropriate<sup>7</sup>.

<b>DEV3 Transport</b>	
<i>Residential Zones 1 &amp; 2; supermarkets and retail warehousing</i>	<i>Residential Zone 3; extracare, nursing and care homes; all other development</i>
<p>Direct mitigation of individual site transport impacts including roads, cycleways, footpaths, public rights of way, public transport and the monitoring of travel plans will be secured through. Infrastructure may be delivered through the developer entering into a S278 agreement with OCC.</p> <p>Grampian condition(s) may be necessary where off-site measures are required to enable development to come forward.</p> <p>Contributions towards South facing slips at Lodge Hill will be secured through S106.</p>	
Contributions towards strategic transport infrastructure projects (except Lodge Hill slips) would most appropriately be funded through CIL.	Contributions towards strategic transport infrastructure projects will be secured through S106.

- 4.15 The Local Transport Plan<sup>8</sup> identifies strategic transport projects within the area.
- 4.16 New development proposals will be required to provide for appropriate specific works and improvements both on-site and off-site to mitigate the direct impact of the development scheme on the transport network, including highways, buses and the rail network. It will be important to identify these in the master planning stage in liaison with OCC and ensure that the transport proposals are sustainable, to meet the needs arising from the development. Discussions with Network Rail and bus operators in the area may also be necessary.
- 4.17 Site related transport works required as direct mitigation will have been identified in a Transport Assessment and may include: works to footways/cycle ways including public rights-of-way; raised kerbs; new junctions; access roads to and within the site; link roads; Traffic Regulation Orders; traffic lights; pedestrian crossings; signage; public transport on or adjacent to the site<sup>9</sup>; lighting and street furniture.
- 4.18 S278 Agreements will generally refer to:

<sup>7</sup> In accordance with OCC guidance which can be found on the OCC website at:

<https://www.oxfordshire.gov.uk/cms/content/transport-new-developments>

<sup>8</sup> <https://www.oxfordshire.gov.uk/cms/content/ltp4-policy-and-overall-strategy>

<sup>9</sup> Please refer to OCC guidance 'Transport for new developments: providing for public transport' (October 2012).

- the relevant planning permission and authorisation under which the works are to be carried out
- schedule and drawings detailing the works
- the full costs of the works and costs of managing the agreement to be paid by the developer
- location and amount of land being conveyed to the Highways Authority (OCC)
- details of bonds/surety
- who will design, manage and undertake the works
- details of any commuted sum for future maintenance.

4.19 In addition to the provision of infrastructure improvements, Travel Plans can form an important part of a planning application proposal with the aim of reducing car usage and increasing the use of public transport, walking and cycling in support of sustainable transport objectives. Travel Plans will normally be sought via a planning condition with contributions towards monitoring of the Travel Plan secured through S106.

## **Recreation and Leisure**

### Outdoor Sports and Recreation

- 4.20 The National Planning Policy Framework (paragraph 73) recognises the contribution that access to sport and recreation facilities can make in promoting the health and well-being of communities.
- 4.21 Supporting text of Saved Policy H23 of the Local Plan sets out that the council will seek the provision of 1.6ha per 1000 persons for outdoor sport.
- 4.22 This is reflected in the Council’s Leisure and Sports Facility Strategy 2011-2031 (2014), Playing Pitch Strategy, Local Leisure Facilities Strategy and Infrastructure Delivery Plan requirements.

<b>DEV4 Outdoor Sports and Recreation</b>	
<i>Residential Zones 1 &amp; 2</i>	<i>Residential Zone 3; extracare</i>
On site provision of sports and recreation facilities will be secured through Section 106.	
The provision and enhancement of off-site sports and recreation facilities will be funded through CIL.	The provision and enhancement of off-site sports and recreation facilities will be funded through S106.

- 4.23 Further information on the standards the Council will use as a basis for calculating levels of contribution which will be sought is set out in **Appendix 3**. However, the Council will liaise with its Leisure Service and Town/Parish

Councils to establish the most appropriate form of provision taking account of the location, scale and form of the proposed development.

- 4.24 On allocated sites, especially where several are in close proximity, the Council will seek to cluster the on-site provision of sports facilities, for example by devoting the entirety of a particular sites outdoor sport provision towards a single sport. This will enable the provision of sporting facilities that will attract, and can sustainably be used by, local clubs, with resultant benefits in long term management and maintenance. It will also enable the provision of more niche sports within the district.
- 4.25 The quality and design of sports facilities should reflect current best practice, including design guidance from Sport England and the national governing body.

Open Space

- 4.26 Local Plan 2011 saved policy H23 requires developers to provide public open space for informal recreation to meet the needs of the new residents.

<b>DEV5 Open Space</b>	
<i>Residential Zones 1 &amp; 2</i>	<i>Residential Zone 3; extracare, nursing and care homes; all other development</i>
On site provision and management of open space and landscaping, amenity space and green space will be secured through S106.	
Off-site provision and enhancement of open space and landscaping, amenity space and green space will be funded through CIL.	Off-site provision and enhancement of open space and landscaping, amenity space and green space will be secured through S106.

- 4.27 The need for open space and informal amenity areas will be assessed on a site-by-site basis taking into account features of the site, the nature of the development and the accessibility of other provision within the locality. In accordance with saved policy H23 of the Local Plan 2011, we will expect a minimum provision of:

*15% of the residential areas to be laid out as public open space, on sites of 15 dwellings and over.*

- 4.28 Open space is an integral part of creating sustainable places and should be provided as an amenity within a development to promote healthy living, informal areas of play and to create a sustainable, accessible, distinctive and attractive development.

Play Areas

- 4.29 Play space for children is vital to their health and development. Consideration must also be given to the need to provide young teenagers with areas to assemble and play. Provision of play equipment for children with disabilities and surface of play areas must be considered.
- 4.30 Saved policy H23 of the Local Plan 2011 endorses the Fields in Trust (formerly the National Playing Fields Association) standard of 0.6 - 0.8ha of children's play space for every 1,000 people and requires developers to incorporate outdoor play within the open space provision for sites of over 15 dwellings/0.5ha.

<b>DEV6 Play Areas</b>
<i>Residential Zones 1, 2 &amp; 3</i>
On site play space will be provided on sites of 15 and more dwellings, and secured through Section 106.
Enhancement to existing local and strategic play areas would most appropriately be funded through CIL.

- 4.31 The District Council, will liaise with Town/Parish Councils to establish the most appropriate form of provision taking account of the location, scale and form of the proposed development. Provision should be made taking into account existing play facilities within the local area, and avoid duplicating existing play equipment. The following table provides a guide to the types of play area that may be required.

No. dwellings	LAP	LEAP	NEAP	Provision for young people e.g. MUGA, skate park, parcour
15-80	√			
80-150	√	√		
150-250	√	√		√
250+	√	√	√	√

- 4.32 On sites where provision is to be made for young people, developers should work with the District Council to carry out consultation with young people in the local area to identify their needs and seek their input to the design of facilities.
- 4.33 The Council endorses the general design principles set out in 'Planning and Design for Outdoor Sport and Play' (NPFA, Fields in Trust) and further specifications for children's play provision are set out in **Appendix 4**.

Allotments



- 4.34 Allotments are valuable community spaces that provide people with the opportunity to enjoy an active and healthy lifestyle. The Council seeks the provision of 0.3ha allotments per 1000 population, in accordance with Fields in Trust guidance<sup>10</sup>.

<b>DEV7 Allotments</b>	
<i>Residential Zones 1 &amp; 2</i>	<i>Residential Zone 3</i>
Provision and enhancement of on-site allotments will be sought from sites over 800 dwellings.	
Provision and enhancement of allotments would, in most circumstances, be funded, in whole or in part, by CIL.	The provision and enhancement of allotments will be secured through S106.

Social and Community Facilities

- 4.35 Paragraph 17 of the NPPF sets out the need to take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs.
- 4.36 Saved Policy CF2 of the Local Plan 2011 welcomes proposals involving the provision of new community facilities and services for the local population within built up areas.

<b>DEV8 Social and Community Facilities</b>	
<i>Residential Zones 1 &amp; 2; supermarkets and retail warehousing</i>	<i>Residential Zone 3; extracare, nursing and care homes; all other development</i>
Provision of on-site social and community facilities on strategic sites will be secured through S106, in accordance with the Regulation 123 List.	Provision and enhancement of appropriate social and community facilities will be secured through Section 106.
Improvements to existing social and community facilities would most appropriately be funded through CIL.	
Increasing capacity at the Museum Resource Centre would most	

<sup>10</sup> Fields in Trust - Guidance for Outdoor Sport and Play Beyond the Six Acre Standard

appropriately be funded through CIL.

- 4.37 Community and social facilities include community centres/halls, indoor sports and leisure facilities, libraries, museums, adult day care services, adult learning services and indoor youth facilities. These provide for the social, welfare, learning, and cultural needs of residents and help to create and maintain sustainable communities.
- 4.38 On large strategic sites the number of new residents, their distance from existing facilities and the need to provide a focus of social activity for the new community may generate a need for a new community building on-site and a new community development worker to encourage active participation and support community groups, activities and local resident associations which will be secured by a S106 obligation.

**Essential Services**

Health Care

- 4.39 Core Policy 7 of the LPP1 sets out the Council’s approach to the delivery of infrastructure to support development. Achieving good health and wellbeing for all residents is one of the aims of the Vale Sustainable Community Strategy.

<b>DEV9 Health Care</b>	
<i>Residential Zones 1 &amp; 2</i>	<i>Residential Zone 3; extracare, nursing and care homes</i>
On-site provision and/or extensions to healthcare facilities will be secured through S106.	
Increased capacity at existing facilities may be funded in whole or in part, through CIL.	Increased capacity at existing facilities will be secured through S106.

Fire & Rescue

- 4.40 Any new development can increase demands on the fire and rescue service both by extending an area of fire risk, and increasing the level of fire risk in an area. The demands placed on the fire and rescue service manifest themselves in a variety of forms depending on the scale and nature of the proposed development.

<b>DEV10 Fire &amp; Rescue</b>
<i>All development</i>

Improvements to the fire and rescue services will be funded, in whole or in part, through CIL.

- 4.41 It will generally be a requirement that external fire hydrants are provided to the satisfaction of the Oxfordshire Fire & Rescue Services - this will usually be dealt with by planning condition.

#### Community safety and policing

- 4.42 Core Policy 37 of the LPP1 requires new development to be of high quality design that creates safe communities and reduces the fear of crime. Keeping the Vale a safe place to live is one of the aims of the Vale Sustainable Community Strategy.

#### **DEV11 Community Safety and Policing**

*All development*

On-site provision of community safety and policing facilities will be funded through S106.

Any other improvements to community safety and policing will be funded, in whole or in part, through CIL

#### Cemeteries

- 4.43 Increased population within the District will require the provision/expansion of cemeteries.

#### **DEV12 Cemeteries**

*All Development*

The provision or expansion of cemeteries would most appropriately be funded through CIL.

#### Placemaking

- 4.44 Section 7 of the NPPF states that the Government attaches great importance to the design of the built environment. It is important to plan positively for high quality and inclusive design for all development, including individual buildings, public and private spaces and wider area development proposals. This includes responding to a site's heritage context.
- 4.45 The Council will expect developer contributions to create and maintain a high quality townscape and public realm to create a distinctive sense of place, through design, landscaping, and materials. Thereby, creating resilient public spaces and access corridors that are legible, permeable and attractive.

- 4.46 Saved Policy DC4 of the Local Plan 2011 states that the Council will seek a contribution towards public art from sites of 0.5ha and above. Guidance is contained in the Vale of White Horse Design Guide and a leaflet ‘Public Art Commissioning in Oxfordshire’.

<b>DEV13 Public Realm, including Public Art</b>	
<i>Residential Zones 1 &amp; 2; supermarkets and retail warehousing</i>	<i>Residential Zone 3; extracare, nursing and care homes; all other development</i>
<p>On sites over 0.5ha, developers should incorporate public art into their development (in partnership with the District Council) through for example the design of spaces and buildings. This provision will be secured through Section 106.</p> <p>Where appropriate, site related provision or enhancement of the public realm, including enhancement of the historic environment will be secured through Section 106.</p>	
Strategic public realm improvements, including town centre improvements to increase accessibility for people with disabilities, may be funded through CIL.	Strategic public realm improvements, including town centre improvements to increase accessibility for people with disabilities, will be secured through S106.

- 4.47 Public art integrated into developments will assist in delivering buildings and spaces that provide visual interest and a sense of identity. The involvement of the local community alongside professional artists in the design and commissioning of bespoke public art is important in creating unique sense of place.
- 4.48 The Council’s Arts Officer should be involved in the master planning of major schemes at an early stage. A written public art statement, with the commissioning process, artist briefs and budget is usually expected to be in place prior to the commencement of the development. More information can be found in the Council’s Public Art & Cultural Wellbeing Strategy.
- 4.49 The Public Art contribution is based on negotiations starting at £300 per unit of housing / £10 per sq.m of commercial development. This is negotiated for each development based on the public impact, visibility and profile of the development.

### **Employment, skills and training**

- 4.50 Section 1 of the NPPF supports economic growth to create jobs and prosperity. It is important that local people are able to access the benefits of such growth in the District.
- 4.51 Core Policy 38 of the LPP1 requires major development to provide access to education and training facilities to meet the needs of the community.

<b>DEV14 Employment, Skills and Training</b>
<i>Non-residential development over 1,000 sqm/1 hectare</i>
Contributions towards employment, skills and training development initiatives, including Community Employment Plans (CEPs) will be secured through S106.

- 4.52 Community Employment Plans are employer led initiatives which seek to mitigate the impacts of development through ensuring that local people can better access job opportunities arising from the development. Outcomes contained within CEPs should relate to outcomes flowing from the ‘construction’ phase and ‘end user’ phase and are likely to include apprenticeships, employment/training programs for all ages, and best endeavours to maximise local labour.

### **Environmental Impacts**

#### **Green Infrastructure and Biodiversity**

- 4.53 Green infrastructure comprises of parks and gardens, accessible natural and semi natural green space, green links, watercourses and canals, accessible countryside, and designated nature conservation sites. These provide important informal recreation facilities and a biodiversity resource.
- 4.54 The NPPF sets out that planning plays a role in the protection, enhancement and management of networks of biodiversity and green infrastructure (paragraph 114). The Biodiversity 2020 strategy<sup>11</sup> sets out the government’s objectives to conserve enhance and restore the diversity of England’s wildlife and to contribute to rural renewal and urban renaissance by enhancing biodiversity in green spaces among developments.

<b>DEV15 Green Infrastructure and Biodiversity</b>
<i>All development</i>
Mitigation including on-site or off-site habitat creation, restoration, enhancement and management of existing sites of ecological value,

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<sup>11</sup> Biodiversity 2020: A strategy for England’s wildlife and ecosystem services, Department for Environment, Food and Rural Affairs, August 2011

ecological enhancement of watercourses in line with the Water Framework Directive and management of recreational impacts will be secured through Section 106.

Strategic habitat creation, enhancement and restoration would most appropriately be funded through CIL.

- 4.55 Core Policy 45 of the LPP1 requires each new development site to demonstrate that it will provide a net gain to green infrastructure. This can either be through on site provision or, where this is not possible, contributions in lieu will be sought to enhance existing facilities and mitigate against the increased pressure of use.
- 4.56 The Green Infrastructure Audit identified a deficit of green provision in some of the larger towns and villages<sup>12</sup>. Opportunities to address this deficit will be identified in the Green Infrastructure Strategy.

Waste & Recycling

- 4.57 Policy D10 of the saved Local Plan 2011 requires development to make adequate provision for the management of waste in new developments. Reducing waste to landfill through reducing, reusing and recycling waste is one of the aims of the Vale Sustainable Community Strategy.

<b>DEV16 Waste &amp; Recycling</b>	
<i>Residential Zones 1 &amp; 2</i>	<i>Residential Zone 3; extracare, nursing and care homes; all other development</i>
Site related provision of household recycling and waste bins will be secured through Section 106.	
Improvements to or provision of Household Waste & Recycling Centres will be funded, in whole or in part, through CIL.	Improvements to or provision of Household Waste & Recycling Centres will be secured through S106.

- 4.58 New development will require the provision of new waste and recycling bins. The Council will seek a financial contribution towards the provision of bins to new properties on sites of 11 and more units through Section 106. On smaller sites of 10 and less units the Council will issue an invoice to the applicant.

Air Quality

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<sup>12</sup> Shrivenham, East Faringdon, Drayton, Milton, Steventon and Sutton Courtenay have a deficit of access to green spaces of 20ha and above, whilst Faringdon, Shrivenham, Grove, Wantage, Steventon and Harwell have a deficit of access to green spaces of 100ha and above.

- 4.59 Core Policy 43 of the LPP1 requires new development to have regard to air quality and any Air Quality Management Areas.
- 4.60 There are three Air Quality Management Areas, in Botley, Abingdon and Marcham where, due to traffic issues, air pollution exceeds the levels set by European and UK regulations. In Abingdon, an action plan has been put into place, to alter the movement of traffic in the town centre. At Botley the designation is due to high levels of traffic on the A34, and the situation is being monitored. At Marcham consideration is being given to creating a low emission zone.

<b>DEV17 Air Quality</b>
<i>All development</i>
Mitigation measures required directly as a result of a specific development and wider Air Quality Measures associated with development at strategic sites will be secured through Section 106.
Any strategic measures to improve air quality and the monitoring of it will be funded, in whole or in part, through CIL.

- 4.61 For developments which are likely to have an impact on air quality, an air quality assessment will need to be submitted as part of the planning application. The overall aim of an air quality assessment is to determine whether the development will have a significant impact on air quality or whether the existing air quality environment is unacceptable for the proposed development. It will identify likely impacts on air quality and the need for additional monitoring.
- 4.62 The Council has published an Air Quality Action Plan 2014<sup>13</sup> and aims to increase the provision of electric vehicle charging points in new development and in Council car parks. Where possible, planning conditions will be used for electric vehicle charging points on individual properties.

#### Flood Protection and Water Management

- 4.63 Section 10 of the NPPF deals with the challenges of climate change, flooding and coastal change. It states that planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations.
- 4.64 Core Policy 42 of the LPP1 requires new development over 1 hectare in flood zone 1, plus all new development in flood zones 2 and 3 to provide a site specific flood risk assessment. All development will be required to provide a drainage strategy.

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<sup>13</sup> <http://www.whitehorsedc.gov.uk/services-and-advice/environment/pollution/air-quality>

<b>DEV18 Flood Protection</b>
<i>All development</i>
Provision and maintenance of flood protection and water management, i.e. Sustainable Drainage Systems (SUDs), will be secured through Section 106.
Any strategic flood protection projects will be funded, in whole or in part, through CIL.

- 4.65 The flood risk measures required to mitigate a development proposal should be managed on site or by way of condition. In exceptional circumstances a Section 106 agreement may be needed for off-site measures. These may cover design and maintenance of sustainable drainage systems or flood management features. The Council will expect any flood management measures to be in place prior to occupation of the development.
- 4.66 Potential flooding and pollution risks from surface water can be decreased by reducing the volume and rate of water entering the sewerage system and watercourses. SUDs seek to manage surface water as close to its source as possible and mimic surface water flows arising from a site prior to its development.
- 4.67 The use of SUDs is required for all new development where appropriate and should be carefully designed as a structural feature of the development. SUDs are often integral to a development and cannot easily be accommodated within a site once a layout has been planned. Therefore, developers should liaise with OCC (as lead local flood defence authority) and the District Council at an early stage to discuss options for an appropriate and sustainable approach to site drainage. Full details of the proposed SUDs and/or how the proposed development meets OCC's Flood Risk Management Strategy is required as part of the planning application.
- 4.68 When planning a sustainable drainage system, developers need to ensure their design allows for maintenance of the system, so that it continues to provide effective drainage for the development. A poorly maintained system can increase flood risk rather than reduce it. Developers need to make arrangements for the future maintenance of sustainable drainage systems. SUDs associated with adopted highway provision will be dealt with under S278 and S38 of the Highways Act provisions.

#### Waste Water

- 4.69 Core Policy 7 requires all new development to provide the necessary on site infrastructure. This includes demonstrating that there is adequate water supply, surface water drainage, foul drainage and sewerage treatment capacity both on and off site to service the development.



- 4.70 There are known capacity issues with waste water treatment in the District as evidenced in the Water Cycle Study 2015<sup>14</sup>. The IDP identifies those strategic sites where Thames Water have indicated that works are required to facilitate development.
- 4.71 Necessary improvements to sewerage water treatment infrastructure will be programmed by the water companies and need to be completed prior to occupation of the development. To ensure timely housing delivery, developers will be expected to contribute towards the payment of interest, to enable Thames Water to take out loans and bring forward the provision of waste water treatment infrastructure ahead of schedule. Any such agreements should be made directly between the developer and Thames Water.

### **Utilities**

- 4.72 With regard to utilities such as gas, electricity, water supply, water quality and waste water treatment the developer will need to work closely with relevant providers to ensure adequate capacity to serve the development. Some site specific requirements for larger sites may involve the provision of new electric substations, water pumping stations, supply pipe work etc., depending on their scale, location and nature. The council will want assurance that the developer and utility providers have put in place arrangements for the delivery of this type of infrastructure and therefore the developer should liaise with utility providers at an early stage (pre-application) to identify any capacity issues and how to overcome these.

### **Street Naming**

- 4.73 Vale of White Horse District Council is the Street Naming and Numbering authority for this District and carries out these functions under the provisions of the Oxfordshire Act 1985. For new development of 11 dwellings and above, that requires new street names and street nameplates, the Council will seek financial contributions for street naming and the provision of street nameplates through Section 106.

<b>DEV19 Street Naming</b>
<i>All development</i>
Contributions towards street naming and numbering will be funded through S106.

### **Management and Maintenance of on-site Infrastructure**

- 4.74 The laying out and initial maintenance and management of infrastructure including open space, play areas, green infrastructure, allotments, public art

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<sup>14</sup>

<http://www.whitehorsedc.gov.uk/java/support/Main.jsp?MODULE=FolderView&ID=627990642&CODE=5B5E037FB8EDDB17A11E0FC78D0AE00A&NAME=WWF01.1+Vale+of+White+Horse+District+Council+Water+Cycle+Study+%28September+2015%29&REF=Local%20Plan%202031%20Part%201%20Examination%20Library>

and community centre/halls is the responsibility of the developer, who will be required to demonstrate that satisfactory provision for indefinite future maintenance has been made. This will normally be through the creation of a management company and the allocation of funds to the management company to cover a 20 year maintenance and management period.

- 4.75 Signage stating the name and telephone number of agency responsible for maintenance must be installed and maintained at the site.
- 4.76 Only in exceptional circumstances, where agreed by the District Council, applicant and a third party e.g. Town/Parish Council, will land be transferred to a third party. The third party will need to enter into a separate legal agreement with the District Council, to ensure that they will take full responsibility of the infrastructure. This agreement may include a set period within which the third party must accept the transfer.
- 4.77 Where the transfer of infrastructure to a third party is agreed a maintenance contribution must be made. We will expect the developer to transfer the infrastructure to the third party as soon as practical, with the payment of a commuted sum to cover 20 years' maintenance.

#### Buildings

- 4.78 Where buildings are provided, the council will seek assurance that such buildings are fit for purpose by requiring the following type of information and evidence:
- a detailed specification (based on an outline specification to be attached to the S106 agreement) to a standard agreed by the council
  - details of the identity of the contractor and the terms of the construction contract
  - details of the identity of the professional team including the architect/designer, structural engineer, M&E consultant, and sub contractors with design input into the target building, together with copies of the terms upon which each is appointed.
  - the build programme
  - access to the council's nominated representative to inspect the construction at all reasonable times on reasonable notice together with an obligation to take into consideration points made by the nominated representative
  - remedy all defects and omissions within an agreed timescale
  - collateral warranties in favour of the council or at the nomination of the council in favour of a third party from the contractor and from all members of the professional team and from all sub contractors which have design input into the target building
- 4.79 In addition the Council will normally require a bond or another form of guarantee to ensure the facility is implemented as agreed.

#### Public Art

- 4.80 Where the ownership of on-site art features is to pass to anyone other than the site owner/developer we will require a commuted sum. This will represent 7% of the value of the works to cover the costs associated with monitoring, repairs and maintenance over a 15-year period.

#### Equipped Play Areas

- 4.81 Post installation equipped play areas will be subject to a post installation RoSPA inspection, which must be supplied to the Council. An inspection regime must be incorporated in the management and maintenance plan
- 4.82 A detailed maintenance schedule and management plan for 15 years maintenance will be submitted with detailed / reserved matter applications to be approved by condition. The maintenance and management must address safety inspections including weekly visual inspections and 3 monthly RoSPA inspections. The management shall include arrangements for litter picking, dog waste clearance, dog waste and general waste collection.

## **5 Negotiation and Administration of Planning Obligations**

### **Approach to Negotiating Planning Obligations**

- 5.1 Applicants will be expected to enter into pre application discussions prior to submitting planning applications. The provision of infrastructure and affordable housing and the mechanism to secure the relevant infrastructure will be part of these discussions. These pre-application discussions should help to identify any issues and seek to ensure that the Council can determine applications without unnecessary delays. We encourage developers to discuss their proposals with the local community and parish council and engage with utility providers and stakeholders.
- 5.2 Following these discussions, the planning application submission should clearly set out how the policies of the development plan will be addressed including the provision of infrastructure and affordable housing. A draft S106, or as a minimum fully detailed 'Heads of Terms', should be submitted with the application. Further information on the Council's approach to negotiating planning obligations and assessing the need for infrastructure is set out in **Appendix 2**.

### **Viability and Deliverability**

- 5.3 Vale of White Horse expects development to be delivered in accordance with the policies of the Development Plan including the affordable housing, infrastructure and place making requirements (**Appendix 1**). The growth objectives and policies to create sustainable developments set out in the LPP1 and the Community Infrastructure Levy have been tested for viability and deliverability through examination. This is a strong foundation for delivering plan led growth in Vale of White Horse.
- 5.4 Infrastructure provision is a necessary cost of development and it is expected that the cost of infrastructure, including the cost of affordable housing provision,

needs to be factored into the cost of development from an early stage. The PPG states that viability assessments should not normally be required for individual development schemes.<sup>15</sup> However, any viability assessment undertaken will need to be based on the requirements of the NPPF and PPG. In all cases, land value should reflect policy, S106 and CIL (in accordance with RICS guidance), provide a competitive return to willing developers and land owners; and be informed by comparable, market-based evidence wherever possible (but where transacted bids are significantly above the market norm they should not be used).

#### Definition of Site Value:

- 5.5 Site Value either as an input into a scheme specific appraisal or as a benchmark is defined in the RICS guidance note as follows:

*“Site Value should equate to the market value subject to the following assumption: that the value has regard to development plan policies and all other material planning considerations and disregards that which is contrary to the development plan.”<sup>16</sup>*

- 5.6 For major development sites where there are exceptional circumstances, abnormal costs which could not reasonably have been foreseen and where the applicant considers that the proposed development cannot viably support the Council's policy requirements and other identified needs, the Council will require the applicant to submit an independent viability assessment (Core Policy 7 of the LPP1). The viability assessment should clearly explain why the development cannot bear the requirements of the Development Plan, which has been viability tested, and specify what has changed since the plan was adopted. It should identify and justify what affordable housing and infrastructure can be delivered as part of the development and when.

#### Open Book Approach

- 5.7 In accordance with Policy CP7 of the LPP1, the assessment will be an 'open book' viability assessment. The developer will be required to pay for the Council's, and County Council's, independent review of the viability assessment. The results of this review will then be considered as a material consideration in the assessment of the development proposal. However, as a last resort, if the development cannot provide affordable housing or infrastructure to ensure a sustainable development in line with the wider objectives of the Local Plan planning permission will be refused, in accordance with Core Policy 7.

#### **Legal, Administration and Monitoring**

- 5.8 The Council and County Council will require its legal costs of preparing a planning obligation to be borne by the developer/ applicant. These costs will

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<sup>15</sup> PPG Paragraph: 001 Reference ID: 10-001-20140306

<sup>16</sup> Financial viability in planning RICS guidance note - 1st edition (GN 94/2012) August 2012

depend upon the form and complexity of the obligation and the amount of work necessary to settle the draft and proceed to completion. Developers will need to meet reasonable legal fees even if the planning obligation is not completed. The Council's and County Council's solicitors will negotiate legal fees on a case by case basis.

- 5.9 The Council also needs to administer and monitor the provisions of a planning obligation and will require the applicant/developer to bear the cost of monitoring S106 agreements. There will be no charge where the applicant pays upfront all the contributions with a unilateral undertaking. The County Council will similarly require its administration and monitoring costs of developments to be met by the applicant/developer. Costs are available on the Council's website.

#### **Interest on late payment and enforcement**

- 5.10 Trigger points, including triggers for payments, will vary for each individual obligation within the Section 106 agreement. The developer is bound in each Section 106 agreement to notify the Council and County Council, of certain trigger points including commencement of the development. Where the Council or County Council is not notified and obligations become overdue the Council or County Council will seek to enforce the obligation and will activate the default interest clause. A clause included in the Section 106 agreement will encourage prompt payment by inserting a provision for payment of interest at a default rate where payments are overdue. Non-financial obligations are also legally binding. As a final recourse, where obligations are not subsequently enforced, the Council and/or the County Council will take legal action against those in breach of a Section 106 agreement.

#### **Indexation**

- 5.11 Financial contributions are based upon the costs of infrastructure. Financial contributions will be indexed to ensure that they retain their original "real value". The base date of the indexation will be stipulated when costs are prepared. An appropriate index will be used for the type of infrastructure sought and has been set out in the Infrastructure Delivery Plan (IDP).

# Appendices

**Appendix 1 - Summary table of relevant planning policies**

	<b><u>Local Plan 2031 Part 1</u></b>	<b><u>Saved policies in the Local Plan 2011</u></b>
Infrastructure provision	CP7, CP4, Appendix A, CP38	
Affordable housing	CP4, CP24, CP25	
Education	CP7, CP4, Appendix A , CP38	
Adult learning	CP7, CP30, CP4, Appendix A, CP38	
Transport	CP7, CP12, CP17, CP18, CP19, CP21, CP33, CP34, CP35, CP37, CP38,CP4, Appendix A	DC5, TR5, TR6, TR10
Public Rights of Way	CP 7,CP37, CP38, CP4, Appendix A	L10
Indoor and outdoor recreation and sports facilities	CP7, CP4, Appendix A, CP37, CP38	L1, L6, L7, L8, L9
Play areas	CP7, CP4, Appendix A, CP 38	H23, L1
Open space/ amenity space	CP7, CP4, Appendix A, CP38	H23, L13
Green space and biodiversity	CP7, CP 37, CP38,CP45, CP46, CP4, Appendix A,	NE11, NE12, L2, L3, L9, L11, L12
Allotments	CP7	L4
Community centres/halls	CP7, CP4, Appendix A, CP38	CF1, CF2
Children's centre and nursery provision	CP7, CP4, Appendix A, CP38	
Integrated Youth support service	CP7, CP4, Appendix A,CP38	
Cemeteries	CP7	CF3, CF4
Community safety	CP7, CP37, CP38	DC3
Recycling	CP7, CP40	DC7
Health	CP7, CP4, Appendix A, CP38	
Libraries	CP7, CP4, Appendix A, CP38	
Museum resource centre	CP7	
Public art/Public realm	CP7, CP43, CP37,CP38	DC4
Air Quality	CP43, CP4, Appendix A	
Flood Protection and water management	CP7, CP42, CP4, Appendix A, CP38	DC12
Sustainable Drainage System	CP42, CP4, Appendix A,CP38	
Health and Wellbeing provision for the Elderly	CP7, CP26, CP4, Appendix A, CP38	
Fire and Rescue and Police	CP7, CP4, Appendix A, CP38	

## **Appendix 2 – Approach to negotiating planning obligations**

The Council will negotiate planning obligations on the following basis:

- Developers of large or complex sites will enter into pre-application discussions with the District Council and infrastructure providers. This will include draft S106/S278 agreements or detailed Heads of Terms addressing the requirements that cannot reasonably be addressed by the submission or conditions.
- The District Council, for large or complex sites, will seek to enter into a planning performance agreement with the applicant.
- The District Council will, in co-operation with the County Council and other bodies, identify the impacts expected to arise from development proposals on infrastructure such as enabling transportation works, schools and libraries and highlight the need for planning obligations as early in the application process as possible.
- On sites where social and community facilities will be secured through Section 106, the District Council will discuss with its Leisure service and the local parish the need for community infrastructure, with reference to the outdoor recreation and sports facilities, play areas and community facilities. Neighbourhood Plans and Community Led Plans will help identify the need for necessary infrastructure.
- Where the need arises for provision and/or contributions for services not administered by the District Council, it will work with the County Council and other agencies.
- Where the applicant considers that the proposed development cannot viably support the identified infrastructure requirements they will submit a viability assessment at the earliest possible opportunity (pre – application) in accordance with LPP1 Core Policy 7.
- Detailed draft ‘Heads of Terms’ for a Section 106 legal agreement must be submitted with any planning application which requires it, and a draft S106 should be agreed before the planning application is referred to Planning Committee. The legal agreement must be signed before the issue of a planning permission. The absence of a necessary planning obligation may be sufficient for the Council to refuse permission.
- Where an application is made that is part of a wider development area then master planning for the wider site must also be shown, with appropriate landowner agreements shown to be in place, so that infrastructure needs are planned in for the wider area.
- Where land is required for infrastructure developers must demonstrate that they have the necessary control of the land.
- All parties will need to act quickly/efficiently, effectively and reasonably to secure the timely completion of agreements prior to the issuing of any planning permission. This highlights the need to engage with all parties involved at an early stage.



**Appendix 3 – Standards for indoor and outdoor sport**

<b>Sport</b>	<b>Provision Standards</b>	<b>Distance Standards</b>
<b>Squash courts</b>	0.1 squash court per 1,000 people.	The whole population within 20 minutes' drive of the nearest court.
<b>Sports Halls</b>	0.29 badminton courts per 1,000 people	The whole population within 20 minutes driving time of the closest hall.
<b>Swimming pool</b>	11.36 sqm of indoor swimming pool per 1,000 people. The new replacement pool at the proposed Wantage/Grove leisure centre should have: <ul style="list-style-type: none"> <li>• 25 m x 6 lane main swimming pool</li> <li>• Teaching pool with moveable floor</li> </ul>	The whole population within 20 minutes' drive of the nearest pool.
<b>Artificial grass pitches</b>	0.03 large size AGP per 1,000 population The whole population within 20 minutes' drive of the nearest AGP.	
<b>Athletics tracks</b>	The retention of one outdoor track for community use at Tilsley Park. In Faringdon, the provision of a small outdoor athletics training facility (subject to feasibility study).	The whole population within 30 minutes driving time of nearest facility.
<b>Health and Fitness</b>	5.64 stations per 1,000 population. The area for each indoor fitness station is taken to be an average of 5 sq m. It is appropriate that developers should be asked for a contribution towards the building cost for the health and fitness space, but not the equipment which is often supplied on a contract basis. The cost of the building space is currently estimated to be £16,400 per station, or £2733.33 per sq m	
<b>Indoor bowls</b>	0.08 rinks per 1,000 population.	The whole population within 15 minutes driving time of nearest facility.
<b>Outdoor tennis</b>	0.39 courts per 1,000 population.	
<b>Multi Use Games Areas (MUGAs)</b>	0.3ha MUGA per 1,000 population.	The whole population within 10 minutes walking catchment in urban areas and 15 minutes driving

Sport	Provision Standards	Distance Standards
		time in rural areas.
<p><b>Grass playing pitches - football, cricket and rugby</b></p>	<p>1.16ha sports pitches per 1,000 population.</p> <p><u>Football</u> 52% of pitches should be football pitches.</p> <p><u>Cricket</u> 27% of pitches should be cricket pitches.</p> <p><u>Rugby</u> 21% of pitches should be rugby pitches.</p> <p>All grass playing field sites used by the community require no or minimum informal use and should be fenced.</p> <p>There is also a requirement for developers to contribute towards the cost of clubhouses/pavilions and ancillary facilities at playing field sites. This requirement is based on the following assumption:</p> <ul style="list-style-type: none"> <li>• Football: 1 x 4-team changing room pavilion for 3 ha pitch space</li> <li>• Cricket: 1 x clubhouse per 2 ha ground</li> <li>• Rugby: 1 x 4 team changing room clubhouse for 4 ha pitch space</li> </ul>	<p><u>Football</u> The whole population within 10 minutes walking catchment or 15 minutes driving time.</p> <p><u>Cricket</u> The whole population within 15 minutes driving time.</p> <p><u>Rugby</u> The whole population within 20 minutes driving time.</p>

## Appendix 4 - Specifications for Children’s play provision

A detailed specification must be submitted with a full application or at Reserved Matters stage and will be subject to community consultation.

Type	Minimum Size	Equipment/Facilities	Design Considerations	Distance from dwellings	Boundary Treatment	Management
LAP	100 sqm	A designed space for natural play, using changes in level, natural features such as boulders, logs or small dips, and planting with a range of textures, scents and colours. Creating a space that will stimulate senses and enable young children to claim the space as their own. Provision of seating.	<ul style="list-style-type: none"> <li>• Appropriate to community needs</li> <li>• Unique to the development</li> <li>• Taking into account natural features</li> <li>• Integrated within the open space</li> </ul>	5m for boundary	Incorporated within open space, planting may be used to indicate boundaries. Perimeter fencing is <b>not</b> appropriate. The open space itself may be fenced from roads if appropriate.	Arrangements for graffiti removal, litter picking, dog waste clearance, dog waste and general waste collection.
LEAP	400 sqm	At least 5 types of play equipment, providing a range of activities <sup>17</sup> , avoiding duplication of nearby play facilities. Planting to provide a range of textures, scents and colours. Seating in sun and shade. Litter bins.	<ul style="list-style-type: none"> <li>• Accessible to children with disabilities</li> <li>• Good natural surveillance</li> </ul>	20m from facade	Recognisable by either fencing or landscaping. Perimeter fencing is generally inappropriate although the site may be fenced from adjoining roads and other hazards.	In addition to LEAP requirements – Post installation RoSPA inspection. Inspection regime incorporated in management and maintenance plan.
NEAP	1000 sqm	In addition to LEAP requirements - minimum activity zone of 1,000m <sup>2</sup> , with play equipment and structures. Hard surfaced area of 465sqm for five a side football and other games. Separation of more adventurous play.	<ul style="list-style-type: none"> <li>• Safer surfacing</li> <li>• Generous use of planting</li> </ul>	30m from boundary		Weekly visual inspections. 3 monthly inspections to a recognised standard.

<sup>17</sup> Running, balancing, sliding, climbing, swinging, crawling and jumping, socialising, playing ball games and being generally active.

**Children's Play - further reading**

- Vale of White Horse Design Guide SPD
- Guidance for Outdoor Sport and Play - Beyond the Six Acre Standard (Fields in Trust, 2015)
- Design for Play: A guide to creating successful play spaces (Play England, 2008)
- ROSPA's guidance on accessible play areas (<http://www.rospa.com/play-safety/inspections/disabled-people/>)

## **Glossary**

**Air Quality Assessment:** An assessment of the impact of a development on the levels of certain pollutants in the local area.

**Affordable Housing:** Social rented, affordable rented and intermediate housing, provided to eligible households whose needs are not met by the market. Eligibility is determined with regard to local incomes and local house prices. Affordable housing should include provisions to remain at an affordable price for future eligible households or for the subsidy to be recycled for alternative affordable housing provision.

**Community Infrastructure Levy:** The Community Infrastructure Levy (CIL) scales back the existing system of Section 106 (S106) planning obligations, to limit their use to site mitigation and provision of affordable housing, and to introduce a tariff-based system whereby developers will contribute to the cost of necessary infrastructure.

**Infrastructure:** Service provision, physical infrastructure and amenity.

**Local Area for Play (LAP):** a small area of unsupervised open space specifically designated for young children for play activities close to where they live

**Local Equipped Area for Play (LEAP):** an unsupervised play area equipped for children of early school age

**Local Plan:** Sets out the long-term spatial vision for the Council, the spatial objectives and policies to deliver the vision.

**MUGA (Multi Use Games Area):** An unsupervised area where a number of games can be played by children or adults

**NEAP (Neighbourhood Area for Play):** An unsupervised site serving a substantial residential area, equipped mainly for older children but with opportunities for play for younger children.

**Planning condition:** Requirements attached to a planning permission to limit or direct the manner in which a development is carried out.

**Planning contributions:** Planning (developer /Section 106) contributions payments, which are prior to the determination of a planning application considered, necessary to be paid to the local planning authorities to mitigate the impacts of development and to make the development acceptable in planning terms.

**Planning obligation:** Legal agreements between a planning authority and a developer, or undertakings offered unilaterally by a developer, that ensure that planning contributions and/or works related to a development are undertaken. For example, the provision of highways. Sometimes called "Section 106" agreements.

**Regulation 123 List:** Indicative list of those infrastructure types and/or projects that the council may wholly or partly fund by the CIL.

**Saved Policies:** Policies within Development Plans, Local Plans and Structure Plans that are saved for a time period during replacement production of Local Development Documents.

**Section 106 (Legal) agreement:** A legal agreement under section 106 of the 1990 Town and Country Planning Act. Section 106 agreements are legal agreements between a planning authority and a developer/land owner, or undertakings offered unilaterally by a developer (see Planning Obligation).

**Section 278 (Legal) agreement:** A legal agreement made with Oxfordshire County Council (or occasionally in the case of strategic highways the Highways Agency) regarding improvements to the public highway.

**Supplementary Planning Document (SPD):** Provide supplementary information in respect of the policies in Development Plan Documents. They do not form part of the development plan and are not subject to independent examination.

**Sustainable Community Strategy (SCS):** The Sustainable Community Strategy is a long-term strategy to promote the social, economic and environmental wellbeing of the District and improve the quality of life of its resident.

**Unilateral undertaking:** A type of planning obligation distinct from an agreement in which only one party makes an express promise, or undertakes a performance without first securing a reciprocal agreement from the other party.