

Appendix 4:

Developer Contributions Supplementary Planning Document (SPD) - Adoption Consideration of the Cabinet Report and Appendices by Scrutiny Committee on 26 July 2021

Cabinet Member Councillor Debby Hallett introduced this Cabinet report and appendices for consideration by Scrutiny Committee. During discussion, the Committee raised a number of questions, as follows:

- Q1 With regard to Appendix 3 of the SPD (Standards for Indoor and Outdoor Sport), why wasn't the council able to secure some of the leisure contributions from a development proposal that was recently allowed on appeal in the Vale?

Officer Response: The standards in Appendix 3 are a starting point for negotiations but we also need to consider the area/site specifics in each individual case. It is not possible for the SPD to contain additional/more detailed requirements to that within the adopted Local Plan. However, the council's Infrastructure Delivery Plans (IDPs) and 'made' (i.e. adopted) Neighbourhood Plans often contain useful evidence on local need for leisure and community infrastructure, which can be referenced when considering planning applications.

- Q2 What is the purpose of the Developer Contributions SPD?

Officer Response: The SPD is part of a suite of documents (including the CIL Charging Schedule and Infrastructure Delivery Plans), which the council can use to secure developer contributions towards necessary infrastructure to support planned growth in the district. The SPD provides supplementary information to support the delivery of policies in the adopted Local Plan 2031 (Parts 1 and 2) and is a material consideration in planning decisions.

- Q3 Under DEV12, what is the difference between public art and public realm contributions?

Officer Response: Public art generally comprises art installations, sculpture, murals etc. Public realm is the built environment in which the local community have free access and financial contributions could be secured towards elements such as benches, railings, signage etc. There is flexibility within this infrastructure category to secure a variety of public realm improvements, including public art.

- Q4 Under 'Utilities' in paragraph 4.84, could we remove the word 'gas' from the list? Although it is currently referred to in the Local Plan, we don't want to see it promoted as a fuel source because it is unsustainable. Could we also add 'broadband' to the list of essential utilities?

Officer Response: We have amended paragraph 4.84 to read:

‘With regard to utilities including electricity, water and broadband provision, the developer will need to work closely with relevant providers to ensure adequate capacity to serve the development...’

- Q5 Under ‘Health Care’ in paragraph 4.47, Can we add reference to the four different Clinical Commissioning Groups (CCGs) that cover the Vale district? Do we currently liaise with each regarding infrastructure requirements?

Officer Response: Yes, we liaise with the relevant CCG regarding developer contributions. We have added a footnote to paragraph 4.47, which reads:

‘There are four NHS Clinical Commissioning Groups (CCGs) which cover different parts of the Vale of White Horse District – Oxfordshire, Swindon, Berkshire West and Gloucestershire.’

- Q6 How can we ensure timely delivery of infrastructure/facilities?

Officer Response: Section 5 of the SPD covers the management and maintenance of infrastructure. Options for management are considered on a case by case basis and included in individual S106 agreements. There are trigger points in S106 agreements for taking enforcement action against non-compliance with the S106 terms by the developer. The council’s infrastructure and development team is responsible for enforcement.

Section 106 Internal Protocol

The Committee discussed the officer recommendation that a separate internal S106 protocol document be produced to give clarity regarding the S106 negotiations process and the specific roles that district, town and parish councillors play in these negotiations.

Officers will produce a document template and a task group will be established with whom officers can consult on the draft protocol (to be agreed with Cabinet Member Cllr Hallett)

A number of councillors expressed a wish to see the draft SPD protocol document before it was considered by Cabinet, but it was decided more helpful for the Committee to give some thought to the key principles and outcomes that they would like the protocol to cover.

Resolution of Scrutiny Committee to:

1. Invite committee members to suggest their key principles and outcomes for the S106 protocol to the Head of Planning and Cabinet Member, by email within the week; and
2. Request early consultation on S106 negotiations for parish and town councils.