

Appendix 2
Revised Draft Section 106 Planning Obligations
Supplementary Planning Document

August 2017

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EXECUTIVE SUMMARY

New development plays an important role in any prosperous locality. Whether it is the provision of new homes, employment or recreational facilities, development is essential to provide for our current and future needs. However, 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 use its powers as the Local Planning Authority to ensure new development contributes to infrastructure such as roads, schools, community facilities, leisure facilities, open space, GP surgeries etc.

In general, the council will seek to secure financial contributions (planning obligations) for strategic and site specific infrastructure necessary to support new development. The Government introduced changes of how we can pool financial contributions for strategic infrastructure and the preferred mechanism is the Community Infrastructure Levy (CIL). Planning obligations will still continue to be used on individual sites to mitigate the direct impact of a proposed development and will be the primary mechanism for securing affordable housing, which, together with self-build, is outside the remit of CIL.

With the introduction of the Community Infrastructure Levy we cannot ask the developer to pay CIL and planning obligations for the same infrastructure in relation to the same development.

This document sets out the council's approach towards seeking planning obligations when the Community Infrastructure Levy has come into effect to avoid double charging.

1 INTRODUCTION

Purpose of this document

- 1.1 The purpose of this document is to set out the district council's approach towards seeking planning obligations, alongside the council's Community Infrastructure Levy (CIL) Charging Schedule. It is a general guide and development proposals will continue to be assessed on a case-by-case basis with the individual circumstances of each site being taken into consideration.
- 1.2 This Supplementary Planning Document (SPD) sets out what will be required through Section 106 planning obligations. It identifies infrastructure types where planning obligations may be applicable and outlines the council's general approach to securing planning obligations.

What are planning obligations?

- 1.3 Planning obligations are legally binding and are intended to make development acceptable, which would otherwise be unacceptable in planning terms.
- 1.4 The CIL Regulations 122 set out that the use of planning obligations should only be sought where they meet all of the following tests:
 - They are necessary to make a development acceptable in planning terms;
 - They are directly related to a development;
 - They are fairly and reasonably related in scale and kind to the development

Paragraph 204 of the National Planning Policy Framework (NPPF) reaffirms the test above.

- 1.5 A planning obligation is usually an agreement between a developer, landowners and the local planning authority. However, it can also be in the form of a unilateral undertaking that is offered by a developer. It is used to regulate development or the use of land. A planning obligation may: -
 - Restrict the development or use of the land in any specified way
 - Require specific operations or activities to be carried out in, on, under or over the land
 - Require the land to be used in a specific way

- Require a sum or sums to be paid to the local authority on a specified day or date
 - Be enforced against anyone acquiring an interest in the land.
- 1.6 Planning obligations should be used where it is not possible to address unacceptable impacts through a planning condition (paragraph 203 NPPF).

What is the Community Infrastructure Levy

- 1.7 CIL is levied 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. The levy rate(s) have been set at a level which do not threaten the viability and scale of development identified in the adopted Core Strategy. 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.
- 1.8 The council is developing a CIL Spending Strategy setting out how the spending of CIL funds will be prioritized and administered.
- 1.9 There are a number of exemptions and reliefs to CIL that can be applied for to reduce or remove the amount of CIL payable. Full information is provided on the council's website

<http://www.southoxon.gov.uk/services-and-advice/planning-and-building/planning-policy/delivering-infrastructure/community-infr-4>

Planning conditions

- 1.10 Planning conditions may not require the payment of money or the transfer of land ownership but may be attached to the planning permission and set out details or required standards, timeframes, and works which must be carried out at prescribed stages in the development process. Where necessary they also require further details, which must be submitted in order to make the development acceptable. Failure to comply with planning conditions could render a development unlawful and un-implementable in its original form.
- 1.11 Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable precise and reasonable in all other respects (paragraph 206, NPPF).

Section 278 Agreements

- 1.12 Section 278 Agreements allow developers to enter into a legal agreement with Oxfordshire County Council as Highway Authority to fund alterations or improvements to the public highway where

the County Council considers the agreement is of benefit to the public. Section 278 Agreements generally require the developer to carry out works on adjacent highways and may extend into the site to enable the development to take place or to mitigate the impact of the development.

Relationship between planning obligations, planning conditions, Section 278 Agreements and CIL

1.13 With the introduction of a CIL charge, the use of Section 106 planning obligations will be scaled back. Section 106 planning obligations will continue to be used on individual sites to mitigate the direct impact of a proposed development and will be the primary mechanism for securing affordable housing, which is outside the remit of CIL. Each Section 106 obligation must meet the CIL test, as set out above. A developer cannot be asked to pay CIL and Section 106 for the same infrastructure in relation to the same development.

1.14 We need to ensure that the use of CIL and planning obligations do not overlap. We have published an infrastructure list (known as the Regulation 123 List) that sets out the infrastructure projects or types of infrastructure that we intend will be, or may be, wholly or partly funded by CIL receipts. This List will be regularly updated in consultation with key stakeholders. CIL will be the main source of infrastructure funding through the grant of planning permission, beyond the immediate needs of the development sites (and excluding strategic sites that have been exempt from CIL, see Appendix 1).

1.15 Table 1 below summaries the various mechanisms outlined above.

Table 1: Interaction between Section 106, planning conditions, Section 278 Agreements and CIL

Mechanism		Use
Section 106 planning obligation	Can secure specific on-site infrastructure and contributions towards off-site infrastructure required to make development acceptable in planning terms	Affordable Housing To address the direct impacts of development
Planning condition	To mitigate the adverse effects of the development and enable development proposals to proceed where it would	Planning applications - permit development to go ahead only if certain conditions are satisfied

	otherwise be necessary to refuse planning permission	
Section 278 Agreements	Allows developers to fund alterations to the public highway	Highway improvements
Community Infrastructure Levy	Mechanism for pooling contributions from new developments to fund infrastructure of the area	District wide infrastructure set out in the Regulation 123 list

2 Policy Framework

National level

2.1 The statutory framework for planning obligations is set out in Section 106 of the Town and Country Planning Act 1990, as amended by Section 12 of the 1991 Planning and Compensation Act; Regulations 122 and 123 of the Community Infrastructure Levy Regulations 2010 (as amended); and the National Planning Policy Framework (NPPF) in particular paragraphs 203 to 205.

Local level

2.2 Development proposals should be considered in line with the

- Saved policies of the South Oxfordshire Local Plan 2011 or any document replacing this
- South Oxfordshire Core Strategy, adopted 2012, or any document replacing this
- Infrastructure Delivery Plans and supporting evidence
- Supplementary Planning Documents

2.3 This Supplementary Planning Document supports and supplements the South Oxfordshire Core Strategy (2012) and saved policies of the Local Plan 2011 and is an important material planning consideration in the decision-making process of planning applications.

2.4 A summary table of the relevant planning policies is set out in Appendix 2. Where reference is made to planning policies as at adoption of this document this will also apply to any revised or new policy adopted by the council.

- 2.5 The council is currently preparing a new South Oxfordshire Local Plan, which will look ahead to 2033 and consider (among other things) how best to plan for the additional housing need identified in the Oxfordshire Strategic Housing Market Assessment, which was published in 2014. The new plan is expected to be adopted during 2018 and as such the council will review the CIL charging schedule and Planning Obligations Supplementary Planning Document particularly with respect to viability and new site allocations. This document will continue to apply until such time a replacement document is adopted.
- 2.6 Other relevant documents such as the Oxfordshire County Council Transport Plan will also be material considerations in determining planning applications.
- 2.7 The overarching reasoning and justification for requiring planning obligations, to secure appropriate forms of development which are supported by the necessary on- and off-site infrastructure requirements, are set out in policy CSI1 of the South Oxfordshire Core Strategy.

“New development must be served and supported by appropriate on- and off-site infrastructure and services. Planning permission will only be granted when infrastructure and services to meet the needs of the new development, including that set out in the Infrastructure Delivery Plan, and/or mitigate the impact of the new development is already in place or will be provided to an agreed timescale.

Infrastructure and services required as a consequence of development, and provision for their maintenance, will be sought from developers and secured by the negotiation of planning obligations, by conditions attached to the planning permission, and/or other agreement, levy or undertaking, all to be agreed before planning permission is granted.

- 2.8 This S106 Planning Obligations Supplementary Planning Document will be relevant to all development proposals including residential, retirement, employment and retail development.
- 2.9 Commercial developments bring employment and economic benefits yet there is a need to integrate such developments into the local community and environment, hence planning obligations may be sought to achieve this. Both employment and other uses require effective transport provision and a safe and functional environment. Specifically, in respect of retail and employment development financial contributions may be sought for:

- (i) Transport and highway works including footpaths and cycle routes
- (ii) The enhancement and provision of the public realm including public art
- (iii) Mitigation measures required directly as a result of a specific development; and wider air quality measures
- (iv) Provision and maintenance of flood protection and water management (i.e. SUDs)

2.10 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.

3 Obligation types

3.1 The types of infrastructure the council will seek provision for are in the main:

- Affordable housing
- Transport, highways and accessibility
- Education
- Recreation, sport and leisure
- Open space
- Community and cultural facilities
- Public art and public realm
- Natural environment and conservation
- Police
- Health services
- Flood protection and water management
- Air quality
- Recycling, Waste
- Street signage
- Administration and monitoring of planning obligations

PLANNING OBLIGATION GUIDANCE

4 Affordable Housing

- 4.1 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 should set policies to meet this need. It refers to the size, type, tenure and range of housing that should reflect local demand.
- 4.2 Policy CSH3 of the Core Strategy sets out that 40% affordable housing will be sought on all sites where there is a net gain of three or more dwellings subject to the viability of provision on each site. The developer must provide a full residual land appraisal for scrutiny. A tenure mix of 75% social rented and 25% intermediate housing will be sought.

5 Transport

Needs arising from new development in respect of this infrastructure type will be delivered using the following combination of CIL and S106/S278 agreements.

	CIL	S106/ S278
Site specific transport infrastructure including any works necessary for vehicle, cycle and pedestrian access and/or public transport on or adjacent to the site as a result of the development incl. mitigation works remote from the development site where the need for such works is identified in a Transport Assessment. Works associated with a S278 Agreement or planning conditions.		√
Travel plan monitoring		√
Contribution towards delivery of the Science bridge, Didcot Northern Perimeter Road Phase 3, A4130 widening, Hitchcock Way/Jubilee Way roundabout, strategic bus network and Culham river crossing schemes associated with development at strategic sites ¹ and employment development (where appropriate)		√
Strategic highways or transport infrastructure projects (including public right of way)	√	

¹ Didcot North East, Ladygrove East Didcot, Site B Wallingford

- 5.1 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. Planning obligations will be sought to mitigate the direct impact of development proposals on the highways network where it is necessary to make the development acceptable in planning terms and where the highway works are within the site. Site related highway works will have been identified in a Transport Assessment and may include:²
- works to footways/cycleways 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
 - lighting and street furniture
- 5.2 Section 106 agreements can be used to secure highway works where they are directly related to a development proposal and they may be delivered through the developer entering into a S278 agreement with Oxfordshire County Council.
- 5.3 Strategic district wide transport improvements as set out in the Local Transport Plan 4 will mainly be funded through CIL (except for the three strategic sites that will be contributing through S106) and other sources of funding.
- 5.4 Section 4 of the NPPF requires the planning system to promote sustainable transport. Policy CSI1 of the Core Strategy sets out that new development must be served and supported by appropriate on and off-site infrastructure and services. Policy CSM2 requires that new developments which generate significant amounts of movement must be supported by an appropriate transport assessment and travel plan where appropriate. Guidance can be found on the county council's website at:
- <https://www.oxfordshire.gov.uk>
- 5.5 Oxfordshire County Council is the Highway Authority for the area and the council consults the county council on planning proposals

² Please refer to County Council guidance 'Transport for new developments: providing for public transport' (October 2012).

that affect the highway network. All development proposals will be assessed on their own merits in relation to the impact they have upon the highway network.

- 5.6 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. It will be important to identify these in the masterplanning stage in liaison with Oxfordshire County Council and ensure that the transport proposals are sustainable, to meet the needs arising from the development.

6 Education (including pre-school, primary, secondary, further education and special needs education)

Most new development will lead to an increase in demand for school places and needs arising in respect of education will be delivered through a combination of:

	CIL	S106
Development which generates the need for a new school		√
Primary education (including pre-schools), secondary education, further education and special education needs at strategic sites (North-East Didcot, Ladygrove-East Didcot, Site B Wallingford)		√
Land for education provision associated with development to make the development acceptable in planning terms		√
Other primary education (incl. pre-school), secondary education, further education and special education needs	√	

- 6.1 **Financial contributions towards the improvement of education facilities will be secured through CIL. However, where the proposed development generates the need for a new school, whether individually or in combination with other developments in the vicinity, provision of a school will be secured through land and contributions via a Section 106 Legal Agreement.**
- 6.2 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.
- 6.3 Decisions as to whether or not there is sufficient capacity in a school are made with reference to current and forecast numbers on

roll and school capacity. Empty places at a school do not necessarily equate to there being capacity at that school. Any assessment of adequate and appropriate capacity will not normally include temporary accommodation.

- 6.4 Oxfordshire County Council publishes an annual Pupil Place Plan which sets out the framework for and approach towards the provision of places for all types of educational need. The strategy also sets out a framework for how school provision is expected to change in future, including anticipated requirements for new schools and school extensions linked to planned housing growth.
- 6.5 The need for educational infrastructure will be calculated by multiplying the forecast number of pupils (of the appropriate age) arising from the net increase in dwellings by the “cost per pupil” of the required additional expanded/new infrastructure (see Appendix 3).
- 6.6 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 S106 planning obligation. The contribution would reflect the cost of providing the transport for a defined period of time. Information on the County Council’s home to school travel policy can be found on its website.
- 6.7 Detailed discussion will be necessary to agree the actual boundaries of any school site allocated, including the location, and timing of access and services. Further land may be required where it is necessary to provide additional facilities co-located with the school.

7 Recreation, Sports and Leisure

Needs arising from new development in respect of recreation, sports and leisure will be delivered as follows:

	CIL	S106
On-site provision and maintenance of recreation, sports and leisure facilities in accordance with policy requirements		√
On and off-site provision and maintenance of recreation, sports and leisure facilities to serve development at strategic sites ³		√
Recreation, sports and leisure facilities other than site specific requirements	√	

³ Didcot North East, Ladygrove East Didcot, Site B Wallingford

- 7.1 On-site provision of recreation, sports and leisure facilities will be sought for all residential development including provision to serve the strategic sites in accordance with policy requirements and will be secured through S106 legal agreement. Other provision and enhancement of sports, recreation and leisure facilities will be funded through CIL. Unless facilities are to be managed by a management company arranged and secured by the developer, the maintenance and management costs of facilities will also be secured through S106.
- 7.2 New facilities should be provided on-site, however in some circumstances it may be appropriate to secure provision off-site, for example, where it links better with existing sports provision. The council will liaise with its Leisure Team to establish the most appropriate form of provision taking account of the location, scale and form of the proposed development.
- 7.3 The Leisure and Sports Facilities Strategy (2011) provides information of provision and identifies leisure and recreation needs in the district. An assessment of recreational space, leisure facilities and playing pitches has been undertaken and will inform a new leisure and sports facilities strategy. Current standards will be update in light of the assessment with the next review of this document.
- 7.4 The National Planning Policy Framework (paragraph 73) recognizes the contribution that access to sport and recreation facilities can make in promoting the health and well-being of communities.

Indoor sport

- 7.5 Policy CSI1 of the Core Strategy and supporting text of Policy R3 of the Local Plan sets out that the council will seek planning obligations from developers to meet requirements for indoor sports facilities where appropriate, including provision in relation to future maintenance and long term retention of the facilities. With the exception of major new developments and strategic sites rarely will there be scope for on-site provision of indoor sports facilities.

Outdoor sport

- 7.6 Policy R2 of the Local Plan requires the

provision of outdoor playing space for new residents to a minimum standard of 2.4ha per 1000 persons, of which 1.6ha per 1000 persons should be for outdoor pitches.

- 7.7 The provision standards for outdoor playing space/pitches will be applied and where there is an identified need for outdoor sport the council will seek on site provision. Sites of around 500 dwellings are likely to generate the need for on-site pitch/kickabout provision. Where formal pitches are required the council will usually seek the provision of changing facilities, especially on larger development sites.
- 7.8 Developers will also be required to demonstrate that satisfactory provision for long term maintenance has been made.
- 7.9 We expect the developer to arrange for future maintenance of all outdoor sport facilities. If there is a management company in place, we expect the Sports Clubs to be represented on the management company's board.

8 Open space, play, allotments, green infrastructure and biodiversity

Needs arising from new development for open space, play and allotments will be delivered as follows:

	CIL	S106
On-site provision and management of <ul style="list-style-type: none"> • Open space • Play areas • Allotments In accordance with policy requirements		√
<ul style="list-style-type: none"> • Play areas • Allotments Other than site specific requirements	√	

Open space

- 8.1 On-site provision and management of open space (in accordance with policy requirements) will be secured through Section 106.
- 8.2 Local Plan policy R6 requires developers to provide public open space for informal recreation to meet the needs of the new residents.
- 8.3 We will assess the need for open space and informal amenity areas. This will be 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 policy R6 of the Local Plan, we will expect a minimum provision of

10m2 per person or 10% of a site (whichever is greater) as open space.

- 8.4 Open space 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

- 8.5 Play space for children is vital to their health and development. In addition to private gardens, public parks and the countryside, there is a need for casual and equipped play space that is safe and conveniently located. 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 should also be considered.

- 8.6 Policy R2 of the Local Plan endorses the Fields in Trust (formerly the National Playing Fields Association)

standard of 0.8ha of children’s play space for every 1,000 people (8m2 per person),

and sets out that three levels of children’s play space should be provided: i. Local areas for play, ii. Local equipped areas for play and iii. Neighbourhood equipped areas for play. **Of the required 8m² we will expect 5 m² to be casual and 3 m² to be equipped play space.**

- 8.7 Sites of around 15 dwellings and more are likely to require the need for on-site provision for children’s play space. We will liaise with the town/parish council 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.**

Table 2: Provision of play areas				
No. dwellings	LAP	LEAP	NEAP	Provision for young people e.g. MUGA, skate park, parcour
15-80	√			
80-150	√	√		
150-250	√	√		√
250+	√	√	√	√

- 8.8 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 is set out in Appendix 4.
- 8.9 Developers must pay for the future maintenance and management of play areas and when agreed transfer land to town/parish councils or arrange alternative management body to undertake that responsibility.

Allotments

- 8.15 Allotments are valuable community spaces that provide people with the opportunity to enjoy an active and healthy lifestyle. The opportunity to play, walk, cycle or work on an allotment in a pleasantly landscaped and largely open environment close to where people live enhances quality of life and promotes health and fitness. Allotments should be accessible on foot, by bicycle, car and public transport. We will require the **provision of 0.30ha allotments per 1,000 people.**
- 8.16 Large sites are likely to require on-site provision for allotments. If the allotments are provided on site as part of the development developers must pay for the future maintenance and management of the allotments.

Green infrastructure and biodiversity

Development giving rise to provision or mitigation for green infrastructure and biodiversity will be delivered as follows:

	CIL	S106
On-site habitat creation and mitigation to include restoration enhancement and management of existing sites of ecological value. Arrangements for long term maintenance.		√
Strategic habitat creation, enhancement and restoration	√	
Ecological enhancement of watercourses in line with Water Framework Directive		

- 8.17 New development will need to demonstrate that it can meet the required Green Infrastructure provision on site to a standard to be agreed with the district council. Where this is not possible, contributions in lieu will be sought to enhance existing facilities and mitigate against the increased pressure of use. Developers must pay for the future maintenance and management. Policy C6 sets out that in considering proposals for development, the maintainance and enhancement of the biodiversity resource of the

district will be sought. Full account of the effects of development on wildlife will be taken. Where there is any significant loss in biodiversity as part of a proposed development, the creation and maintenance of new landscape features, habitats, habitat links and wildlife corridors of appropriate scale and kind will be required to ensure there is no net loss in biodiversity resources. CSG1 seeks improvements to green infrastructure.

- 8.18 Green infrastructure is a collective term for open green spaces which can include amongst other things parks and gardens, woodlands, commons, playing fields, outdoor sports facilities, recreation spaces, rights of way and bridleways and river corridors. In April 2017, South and Vale councils published an updated Green Infrastructure Strategy that assesses threats and opportunities for Green Infrastructure at the towns and larger villages. The aim is to enhance the network of parks and gardens, accessible natural and semi natural green space, green links, accessible countryside, and Registered Common Land Nature Reserves, that provide important informal recreation facilities and a biodiversity resource. The strategy also includes a 'check list' for all developments with the aim of delivering not net loss, and where achievable, a net gain of biodiversity and green space.
- 8.18 The Garden Town project at Didcot, for which a delivery plan was published in June 2017 includes a strategy to deliver "A Super Green Town." This proposes a network of new or improved green spaces and other green infrastructure for recreation and biodiversity gain. This work has superseded the previous "Didcot Greenspace Network Feasibility Study" (March 2008).
- 8.19 The NPPF sets out that planning plays a role in the protection, enhancement and management of networks of biodiversity and green infrastructure (paragraph 114). It is clear that pursuing sustainable development includes moving from a net loss of biodiversity to achieving net gains for nature, and that a core principle for planning is that it should contribute to conserving and enhancing the natural environment and reducing pollution.
- 8.20 The Biodiversity 2020⁴ 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.
- 8.21 It is clear that the government expects the development industry to both minimise its direct impact on biodiversity and to make a substantial contribution towards enhancing local biodiversity.

⁴ Biodiversity 2020: A strategy for England's wildlife and ecosystem services, Department for Environment, Food and Rural Affairs, August 2011

Whilst it is sometimes possible to enhance biodiversity within the site boundary, it is more often a strategic issue better dealt with on a parish, district, county or regional level.

9 Community and cultural infrastructure

Needs arising from new development in respect of these infrastructure types will be delivered using the following combination

	CIL	S106
On-site and off-site provision and management of community facilities (including youth support and adult learning) to serve development at strategic sites ⁵		√
Larger development which generates the need for new community facilities on site		√
Library facilities (including book stock provision) to serve development at strategic sites		√
Increasing capacity at libraries and the Museum Resource Centre	√	
Improvements to existing community facilities (including youth support and adult learning)	√	
Community and recreation projects to support residents in retirement housing		√
Provision, expansion, maintenance of cemeteries	√	

Community facilities, libraries, museum resource centre, adult learning, youth facilities and cemeteries

- 9.1 Community centres/halls provide opportunities for a variety of social, welfare and leisure activities that provide for the needs of local residents and assist in the creation of sustainable communities.
- 9.2 Libraries are important to the cultural and social infrastructure of communities, backing up educational provision for school children, students and lifelong learners.
- 9.3 Oxfordshire County Council's museum service provides a central Museum Resource Centre (MRC) at Standlake in West Oxfordshire. It provides essential support to museums and schools throughout Oxfordshire for educational, research and leisure activities.

⁵ Didcot North East, Ladygrove East Didcot, Site B Wallingford

- 9.4 The Adult Learning Service offers a wide range of educational and recreational courses to cater for all ages and abilities. The courses are provided in a variety of settings including schools, community buildings and purpose built adult learning centres.
- 9.5 On large and 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. Generally, this need for new provision will have been identified when allocating a site for development and will also be set out in the Infrastructure Delivery Plan. The needs for new provision will be assessed in relation to large development sites and if infrastructure is required planning obligations will be used to secure new on site -provision.
- 9.6 Other community infrastructure such as improvements to existing community centres/halls, adult learning and youth facilities, increasing capacity at libraries and the museum resource centre, will generally be funded through CIL.
- 9.7 **In the case of retirement housing (which is CIL exempt) the needs for local community and recreation facilities will be assessed in liaison with the local town or parish council. Where there are projects that can support residents in retirement housing the council will seek funding through a S106 agreement to support those projects.**
- 9.8 New development will also be expected to contribute to the provision of new, or the expansion of existing, cemeteries and their maintenance to serve the population generated by the development. This will be funded through CIL.
- 9.9 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.
- 9.10 Community infrastructure is important; both in terms of basic provision of services and facilities and in terms of helping develop new communities at strategic sites. Policy CF2 of the Local Plan welcomes proposals involving the provision of new community facilities and services for the local population.

10 Public art / Public realm incl. historic environment

Needs arising from new development in respect of these infrastructure types will be delivered using the following combination

	CIL	S106
Site related provision and maintenance of public		√

art in accordance with policy D12 requirements		
Improvements to the public realm in town/village centres and improvements to increase accessibility for people with disabilities in town/village centres and open spaces associated with development at strategic sites, retirement housing, retail and employment development.		√
<ul style="list-style-type: none"> • Public art other than site specific • Other improvements to the public realm and town centres • Other improvements to increase accessibility for disabled 	√	
Contributions towards the conservation, restoration and enhancement of the historic environment and archaeological sites and monuments where an impact is directly linked as a consequence of a development site and requires mitigation.		√

Public art

- 10.1 The council will expect developers of major schemes and retirement and retail and employment development to incorporate public art into their development through for example the design of spaces and buildings.
- 10.2 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. Paragraph 7 indicates the provision of local services that reflect the community's needs and support health, social and cultural well-being as a key social component in achieving sustainable development.
- 10.3 Planning Policy Guidance states that public art can play an important role in making distinctive places. The council recognises that the development and delivery of public art can contribute significantly to the cultural wellbeing of communities. Improving the cultural infrastructure in the public realm such as public art will enhance the quality of the environment and the overall design in new development proposals. Policy D12 of the Local Plan states that the council will seek a contribution towards public art. The council will seek provision for public art on residential developments in excess of 1 hectare; retail or employment developments in excess of 2,000 square metres gross floorspace.

Further information on the costs is provided on the council's webpage

<http://www.southoxon.gov.uk/services-and-advice/planning-and-building/planning-policy/delivering-infrastructure/section-106>

- 10.4 A strategy for public art and cultural wellbeing and culture is being updated by our Arts Development Officers. Guidance is contained in the South Oxfordshire Design Guide and a leaflet 'Public Art Commissioning in Oxfordshire'. The involvement of local community alongside professional artists in the design and commissioning of bespoke public art is important in creating unique sense of place.
- 10.5 Public art integrated into developments will assist in delivering that buildings and spaces provide visual interest and a sense of identity. Therefore, the public art officer should be involved in the masterplanning of major schemes at an early stage. In these cases, the commissioning of public art work should involve professional art organisations, and include stakeholder and community engagement. 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.

Public realm

- 10.6 The public realm is valuable to our daily lives. For built environments to be successful, the detailing of public realm areas needs to be of a consistently high standard. Good quality public realm is more than just aesthetically pleasing, it also:
- plays a large role in determining the character / feel of the place;
 - supports urban regeneration, by improving the attractiveness of a place;
 - reduces opportunities and motivation for crime and other anti-social behaviour, and fear of crime, by upgrading areas and redesigning or improving spaces;
 - generates social and community cohesion; by allowing communities to celebrate where they live and generate pride in their surroundings,
 - aids movement in and between spaces;
 - ensures distinctiveness.
- 10.7 The council recognises that improvements to the movement network in the public realm around town and village centres and open spaces supports the wellbeing of residents and visitors. Local Plan Policy D7 requires that there are appropriate measures to ensure adequate access for those with impaired mobility, hearing or sight. The safety and access requirements of those with impairments should also be taken into account in the design and

layout of new roads, parking areas, footways, pedestrian routes, cycleways, traffic management measures and pedestrian priority areas.

10.7 Core Strategy policy CST1 aims to improve vitality and viability of town centres and local centres. Core Strategy policy CS DID1 seeks improvements to the central area of Didcot by regenerating the Broadway area and the area around the station.

10.8 Improvements to the public realm in town and village centres and improvements to increase accessibility for disabled in town and village centres and open spaces will be sought from all development associated with development at the strategic sites⁶, retirement housing and employment and retail development will be secured through S106 planning obligations.

Historic environment

10.9 Protecting and enhancing the historic environment is an important component of the National Planning Policy Framework’s drive to achieve sustainable development (as defined in Paragraphs 6-10). When assessing any application for development which may affect the setting of a heritage asset, local planning authorities need to consider the implications of cumulative change.

10.10 Contributions towards the conservation, restoration and enhancement of the historic environment and archaeological sites and monuments will be sought where an impact is directly linked as a consequence of a development site and requires mitigation.

11 Recycling

Needs arising from new development in respect of waste and recycling will be delivered using the following combination

	CIL	S106
Site related provision of recycling and waste bins for all residential development including development at strategic sites		√
Recycling facilities and improvements to existing Household Waste & Recycling Centers	√	

11.1 Policy D10 of the Local Plan requires development to make adequate provision for the management of waste in new developments. Reducing waste to landfill through reducing, reusing

⁶ North East Didcot, Ladygrove East Didcot, Site B Wallingford

and recycling waste is one of the aims of the South Oxfordshire Community Strategy.

11.2 New development will require the provision of new recycling bins. The council may seek financial contributions for the provision of recycling bins 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. Further information is provided on the council's webpage

<http://www.southoxon.gov.uk/services-and-advice/planning-and-building/planning-policy/delivering-infrastructure/section-106>

12 Health care

Needs arising from new development in respect of health care will be delivered using the following combination

	CIL	S106
On and off-site provision to health services (e.g. GP surgeries ⁷) to serve development at the strategic sites ⁸ and new development sites where on-site provision is required		√
Increasing capacity at existing health services (e.g. GP surgeries)	√	

12.1 Policy CSI1 sets out the council's approach to the delivery of infrastructure to support development. Improve access to quality health and social care is one of the aims of the South Oxfordshire Community Strategy. Requirements for additional health facilities have been set out in the council's Infrastructure Delivery Plan.

13 Fire & Rescue

Needs arising from new development in respect of fire and rescue services will be delivered as follows:

	CIL	S106

⁷ This does not include dental surgeries as these are normally private profit making companies

⁸ Didcot-North East, Ladygrove East Didcot, Site B Wallingford

Extensions and/or new fire and rescue service infrastructure	√	
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13.1 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. These can include:

- the need to acquire land and the capital costs of buildings and associated facilities for the provision of new, relocated or extended fire stations;
- the provision of new vehicles to provide effective emergency cover;
- the provision of emergency access arrangements;
- securing access to water to meet fire-fighting needs (hydrants and appropriate water mains with adequate pressure to supply them).

13.2 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.

14 Community Safety and policing

Needs arising from new development in respect of these infrastructure types will be delivered using the following combination

	CIL	S106
On and off-site provision of policing and community safety infrastructure to serve development at the strategic sites ⁹		√
Improvements to policing and community safety infrastructure	√	

14.1 Policy CSQ3 of the Core Strategy and policy D6 of the Local Plan promote measures to reduce opportunities for crime and the need

⁹ Didcot North-East, Ladygrove East Didcot, Site B Wallingford

to create safe towns and villages. Reducing the fear of crime is one of the aims of the South Oxfordshire Community Strategy¹⁰.

14.2 Thames Valley Police are responsible for the delivery of Policing in the area. The additional growth planned in the area will lead to an additional demand on their existing resources and accordingly there will be a need to deliver additional infrastructure to mitigate this impact.

15 Health and Wellbeing (Adult Day Care)

Needs arising from new development in respect of this infrastructure type will be delivered using the following combination

	CIL	S106
On and off-site provision of health and wellbeing facilities directly required to make the development acceptable in planning terms and to serve development at the strategic sites ¹¹		√
Other health and wellbeing facilities	√	

15.1 Oxfordshire County Council has identified a requirement for new health and wellbeing centres in the Didcot area and Wallingford to meet the needs of population growth from allocated strategic sites.

15.2 Oxfordshire County Council provides day services for adults through a network of Health and Wellbeing Resource Centres across the county. The centres typically provide a range of facilities to enable adults to live independently in their own homes and communities for as long as possible.

16 Street naming

Needs arising from new development in respect of the provision of street naming and street nameplates will be delivered as set out below:

	CIL	S106
Site related provision for street naming and street		√

¹⁰ Our place, our future – South Oxfordshire Sustainable Communities Strategy, 2009 - 2026

¹¹ Didcot North East, Ladygrove East Didcot, Site B Wallingford

nameplates		
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16.1 South Oxfordshire District Council is the Street Naming and Numbering authority for this district within Oxfordshire and carries out these functions under the provisions of the Oxfordshire Act 1985.

16.2 For new development 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 (Index RPI Dec. 2013). Further information is set out on the council's webpage

<http://www.southoxon.gov.uk/services-and-advice/planning-and-building/planning-policy/delivering-infrastructure/section-106>

17 Air Quality

Needs arising from new development in respect of air quality measures will be delivered using the following combination

	CIL	S106
Mitigation infrastructure/measures required directly as a result of specific development, and wider air quality infrastructure/measures associated with development at strategic sites ¹² and retail and employment development		√
Infrastructure/measures to improve air quality and monitoring	√	

17.1 Policy CSM1 (vi) of the council's Core Strategy promotes and support traffic management measures and environmental improvements which increase safety and improve air quality.

17.2 There are three quality management areas in Wallingford, Henley and Watlington, and due to traffic issues, air pollution exceeds the levels set by European and UK regulations. The council has published a Guidance for Developers, which can be found on the website: <http://www.southoxon.gov.uk/services-and-advice/environment/air-quality>

17.3 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

¹² Didcot North East, Ladygrove East, Site B Wallingford

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.

- 17.4 The council has published an Air Quality Action Plan 2014 on its website and aims to increase the provision of electric vehicle charging points in new development and in council car parks. Planning conditions will be used for electric vehicle charging points on new development.

18 Flood Protection and Water Management

Needs arising from new development in respect of these infrastructure types will be delivered using the following combination

	CIL	S106
On-site provision of flood protection and water management (i.e. SUDs) in relation to residential, retail and employment development		√
Strategic flood protection projects	√	

- 18.1 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.
- 18.2 Policies CSI1 of the Core Strategy and EP4 of the Local Plan require developers to demonstrate that existing, planned and/or committed infrastructure is sufficient to accommodate new development proposals.
- 18.3 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. 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. This will be secured through planning conditions.
- 18.4 New development proposals should be planned to avoid increased vulnerability to the range of impacts arising from climate change. Where new development proposals are brought forward in areas that are vulnerable, care should be taken to ensure that risks can be managed through sustainable adaption measures.

- 18.5 Management of surface water should be considered as part of a Flood Risk Assessment for sites over 1ha and/or in areas vulnerable to flooding, as already required by the NPPF. 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.
- 18.6 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. Sustainable Drainage Systems (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.
- 18.7 SUDs can include infrastructure such as infiltration devices to allow water to soak into the ground; filter strips and swales; filter drains and porous pavements, and basins and ponds to hold excess water after rain and to allow controlled discharge to avoid flooding. Source control measures can also be used such as rainwater recycling.
- 18.8 Policy CSQ2 (vi, vii) encourages the use of SUDs to manage surface water run-off generated by development.
- 18.9 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. As such developers should liaise with the county council (as lead local flood authority) and 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 the county council's Flood Risk Management Strategy will need to accompany planning applications.
- 18.10 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 are dealt with under S278 and S38 provisions.

19 Management and Maintenance of on-site infrastructure

- 19.1 The laying out and initial maintenance and management of infrastructure including open space, recreation and sport, play areas, green infrastructure, allotments, public art 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.
- 19.2 Signage stating the name and telephone number of agency responsible for maintenance must be installed and maintained at the site.
- 19.3 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.
- 19.4 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. The council will inspect the open space to ensure that it is meet required standards.
- 19.5 Further information in relation to inspection and monitoring fees is provided on the council's webpage

<http://www.southoxon.gov.uk/services-and-advice/planning-and-building/planning-policy/delivering-infrastructure/section-106>

Buildings

- 19.6 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

19.7 In addition the council will normally require a bond or another form of guarantee to ensure the facility is implemented as agreed.

Public Art

19.8 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

19.9 Post installation equipped play areas will be subject to a post installation RoSPA inspection. An inspection regime must be incorporated in the management and maintenance plan. 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. These details should be required by condition.

19.10 The developer will be responsible for remedying all defects in the first twelve months. If the facility is transferred to a town/parish council or a management company the developer shall provide sums to cover maintenance for a minimum of 20 years (from the date of transfer). These matters will be covered in a S106 agreement.

19.11 On-site provision should be made before the final occupation of dwellings with commuted sums for maintenance paid on transfer of ownership. On major developments the phasing on-site provision will need to be agreed.

20 Approach to negotiating planning obligations

- 20.1 We encourage applicants to discuss their proposals with planning officers before they submit a formal application. These pre-application discussions should help to identify potential problems and issues to ensure that the council can determine applications without unnecessary delays. We also encourage developers to discuss their proposals with the County Council, local community and parish council, utility providers and other key stakeholders.
- 20.2 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 3.

21 Viability

- 21.1 Infrastructure provision is a necessary cost of development and the likely cost of infrastructure, including the cost of affordable housing provision, will need to be factored into the development project from an early stage. Applicants should take into account the policy requirements for affordable housing provision, the Community Infrastructure Levy, infrastructure needs including land and contributions as set out in this SPD and other known constraints when negotiating the purchase of land.
- 21.2 Exceptional or abnormal costs may include extensive contamination and necessary engineering works to create a sustainable platform for development or infrastructure works (i.e. diversion of utility networks) which are over and above anticipated costs of a site without those abnormal works.
- 21.3 For development sites where there are exceptional circumstances or abnormal costs 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 a viability assessment. The assessment shall identify and justify the amount and tenure of affordable housing, infrastructure provision costs and timing of delivery. The methodology and assumptions of the viability assessment shall be agreed with the District Council. The viability assessment should clearly explain why the development cannot bear the requirements of the Development Plan. If there have been changes which affect the viability since the Development Plan was adopted this should be clearly explained.

2.14 Open Book Approach

The assessment will be an 'open book' viability assessment. If required, the Council will commission an independent review of the viability assessment, and the costs are to be borne by the applicant. 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 could be refused.

22 Legal, administration and monitoring

22.1 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 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 will negotiate legal fees on a case by case basis, and the County Council.

22.2 The council also needs to administer and monitor the provisions of a planning obligation and will require the applicant/developer to bear this cost. Further information is set out on the council's webpage

<http://www.southoxon.gov.uk/services-and-advice/planning-and-building/planning-policy/delivering-infrastructure/section-106>

22.3 We will negotiate the monitoring fees for obligations that are more complex and need to be monitored over a long period. The County Council will similarly require its administration and monitoring costs to be met by the applicant/developer.

23 Interest on late payment and enforcement

23.1 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 upon commencement of the development. Where the council is not notified and obligations become overdue the council will seek to enforce the obligation and will activate the default interest clause.

23.2 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. As a final recourse,

where obligations are not subsequently enforced, the council will take legal action against those in breach of a Section 106 agreement. Non-financial obligations are also legally binding and where not provided according to the terms of the Section 106 agreement may be legally enforced by the council.

24 Indexation

24.1 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 were prepared. An appropriate index will be used for the type of infrastructure sought and has been set out in the relevant section.

Appendices

Appendix 1 - Infrastructure Requirements for Core Strategy Strategic Sites excluded from CIL

Infrastructure provision	North-East, Didcot	Ladygrove East, Didcot	Site B, Wallingford
Allocation site for	2,030 dwellings	647 dwellings	555 dwellings
Affordable housing	40% affordable housing on site	40% affordable housing on site	40% affordable housing on site
Education	<p>1 no x 2FE (full cost of construction) and 1 no x 1FE primary school, requiring 2.22 ha land (each) including early education provision.</p> <p>Land for new secondary school. 8.68ha land, sufficient for a 1,200 pupil facility.</p> <p>Contributions based on pupil generation towards construction of a second primary school, a secondary school and Special Education Needs.</p>	<p>Financial contribution towards the timely provision of extra primary education at North-East Didcot to ensure that the composite provision there is of 2no x 2FE primary schools. If such timely provision is not achievable then, at this site the provision of a new 1FE primary school including early education (with capacity to expand to 2FE), requiring 2.22 ha land will be sought.</p> <p>Financial contribution for new secondary school at North East site.</p> <p>Financial contribution towards new Special Education Needs provision in Didcot area</p>	<p>Provision (full cost of construction) of new 1 FE primary school. Land for one primary school ,2.22 ha (with capacity to expand to 2FE)</p> <p>Financial contribution based on pupil generation towards expansion of Wallingford secondary school and Special Education Needs provision</p>

Infrastructure provision	North-East, Didcot	Ladygrove East, Didcot	Site B, Wallingford
Transport	<p>Access from existing roundabouts on the A4130 NPR and from the north-south B4016</p> <p>Highway on and off site works identified through the Transport Assessment.</p> <p>Financial contribution towards the delivery of - the Science Bridge scheme - the Northern Perimeter Road (phase 3) scheme - the A4130 widening scheme - the Culham river crossing - Jubilee way roundabout - Strategic bus network</p>	<p>Access to site (through S278 Agreement)</p> <p>Highway on and off site works identified through the Transport</p> <p>Assessment and further masterplanning work Financial contribution towards the delivery of - the Didcot Northern Perimeter Rd (phase 3) direct delivery of northern section (A4130 to northern edge of site) - the Science Bridge scheme - the Northern Perimeter Road (phase 3) scheme - the A4130 widening scheme (east of Milton Interchange to Science Bridge) - the Culham river crossing scheme Jubilee way roundabout Strategic bus network</p>	<p>New access onto A4130, alterations to existing access on Wantage Road Highway on and off site works identified through the Transport Assessment.</p> <p>Where appropriate financial contribution towards the delivery of - the Northern Perimeter Road (phase 3) - the A4130 widening - the Culham river crossing - Jubilee way roundabout - Strategic bus network</p>
Public transport	Financial contribution for public transport improvements to and from the site	Financial contribution for public transport improvements to and from the site.	Financial contribution for public transport improvements to and from the site
Bus stops	Provision of bus stops and associated infrastructure.	Provision of bus stops and associated infrastructure.	Provision of bus stops and associated infrastructure.
Walking and cycling	Pedestrian and cycle links within the site and links into existing network e.g. national cycle route underneath the Northern Perimeter Road bridge to the south west corner.	Provision of pedestrian and cycle links and associated infrastructure, both within the site and to/from local services and facilities in Didcot and links to National cycle network.	Provision of pedestrian and cycle links and associated infrastructure, both within the sites and to/from local services and facilities in Wallingford and links to National cycle network.
Travel Plan	Travel plan monitoring	Travel plan monitoring	Travel plan monitoring
Public Rights of Way	Financial contribution for on and off site works in relation to Public Rights of Way network (existing route to Wittenham Clumps)	Financial contribution for on and off site works in relation to Public Rights of Way network (existing route to Wittenham Clumps)	Financial contribution for on and off site works in relation to Public Rights of Way network (footpaths 16 / 28).

Infrastructure provision	North-East, Didcot	Ladygrove East, Didcot	Site B, Wallingford
Indoor and outdoor recreation and sports facilities	<p>3.8ha for the leisure facility (leisure centre and all weather pitch) plus land to provide pitches and a pavilion to a total land take of 14ha. Leisure centre and pitches and pavilion to have separate access points.</p> <p>Adequate parking to serve both facilities incl. disabled and coach parking.</p> <p>Facilities should link with pedestrian and cycle network (Sustran). 10.2 ha is to be provided to include land for pitches and a pavilion (subject to change once the playing pitch strategy is adopted). The pavilion is to include 6 changing rooms plus other facilities (club meeting room, kitchen, storage) to meet Sport England standards and national governing bodies.</p> <p>The leisure development site is to incorporate a jogging/cycle trail.</p> <p>Provision for floodlit tennis courts.</p> <p>The management of the outdoor pitches and associated facilities will be negotiated separately to the leisure centre.</p>	<p>Financial contribution to new leisure centre in the Didcot area</p> <p>This development generates a need for 1.26 tennis courts. Land to be provided for 2 court floodlit site</p> <p>1.68 ha of football pitches 0.42 ha of cricket and 0.25 ha of rugby. Provide land and develop 2.35 ha joint football fields and 8-strip cricket field on site. Plus a financial contribution of a football/ cricket pavilion</p> <p>Financial contribution for a 0.31 ha MUGA</p>	<p>Financial contribution towards Leisure Centre</p> <p>0.48 ha outdoor sport provision</p> <p>1.5 ha pitch provision</p>
Play areas	<p>4.25ha for play comprising at least 1.6ha of formal play space, which should take the form of equipped play areas and informal play to serve all ages.</p> <p>A MUGA (782 sq.m) to be provided on site.</p> <p>Committed sum for the maintenance, if not managed by a management company</p>	<p>1.22 ha for play comprising 0.76 ha casual and 0.46 ha equipped play space.</p> <p>Committed sum for the maintenance, if not managed by a management company.</p>	<p>0.95 ha for play comprising of LAP, LEAP and NEAP</p> <p>Committed sum for the maintenance, if not managed by a management company</p>

Infrastructure provision	North-East, Didcot	Ladygrove East, Didcot	Site B, Wallingford
Open space/ amenity space	At least 10% of the site to be informal open space. Much of the space can be provided in combination with SUDs and some areas prone to flooding. Also the gas pipeline constraint strip can be promoted as part of the open space. Commuted sum for maintenance, if not managed by a management company.	10 sq.m per person or 10% of the site (whichever is greater) as informal open space. Commuted sum for the maintenance, if not managed by a management company.	10 sq.m per person or 10% of the site (whichever is greater) as informal open space. Commuted sum for the maintenance, if not managed by a management company.
Green space and biodiversity	Tree survey and ecological survey to be submitted and findings considered in masterplan. Mitigation on-site or off-site habitat creation, restoration and management to mitigate or compensate biodiversity impacts.	Green space (not less than 8 ha incl. local park of 6ha)	4.4 ha of green infrastructure (according to IDP)
Allotments	1.5ha for allotments on-site including vehicular access, disabled parking, raised beds, water and secure fencing. Not to be located in the floodplain.	0.46ha for allotments on-site including vehicular access, disabled parking, raised beds, water and secure fencing.	0.36ha for allotments on-site including vehicular access, disabled parking, raised beds, water and secure fencing.
Community centres/halls	Provision of neighbourhood centre including shops and a community centre, parking and outdoor space for markets. It is suggested that an overall site area for the local centre, incl. one large community centre, and some residential should be 3 ha. The community facility needs to be provided early in the development and funding for a community development worker is also required. If Didcot Town Council are not willing to manage the community building an alternative management arrangement will need to be secured.	Neighbourhood centre and community centre according to policy in Local Plan (tbc)	Financial contribution for enhancement of existing community hall

Infrastructure provision	North-East, Didcot	Ladygrove East, Didcot	Site B, Wallingford
Integrated Youth support service	There is scope to provide services within the community centre	Financial contribution towards enhancement of existing facility at North East Didcot or GWP	Tbc
Adult learning	There is scope to provide facilities within the community centre	Financial contribution towards facility at North East site Didcot	Tbc
Health and Wellbeing provision (Adult Day Care)	Financial contribution towards Health and Wellbeing centre in Didcot	Financial contribution towards Health and Wellbeing centre in Didcot	Financial contribution towards Health and Wellbeing in Wallingford
Fire and Rescue	Fire hydrants (to F&RS specifications) to be provided on site – secured via a planning condition	Fire hydrants (to F&RS specifications) to be provided on site – secured via a planning condition	Fire hydrants (to F&RS specifications) to be provided on site – secured via a planning condition
Recycling	Financial contribution towards enhancement of Household Waste Recycling Centre (Drayton) or nearest alternative and provision of recycle and waste bins	Financial contribution towards enhancement of Household Waste Recycling Centre (Drayton) or nearest alternative and provision of recycle and waste bins	Financial contribution towards enhancement of Household Waste Recycling Centre (Oakley Wood) or nearest alternative and provision of recycle and waste bins
Health	Site related improvements to doctors surgeries	Site related improvements to doctors surgeries	Site related improvements to doctors surgeries
Libraries	Financial contribution towards increasing capacity at Didcot library with commensurate book stock provision	Financial contribution towards increasing capacity at Didcot library with commensurate book stock provision	Financial contribution towards increasing capacity at Wallingford library with commensurate book stock provision
Public art/Public realm	Site related provision and management of public realm/public art including increase accessibility for disabled in Didcot town centre	Site related provision and management of public realm/public art including increase accessibility for disabled in Didcot town centre	Site related provision and management of public realm/public art including increase accessibility for disabled in Wallingford town centre
Air Quality	Mitigation measures required directly as a result of the development and contribution towards wider air quality measures.	Mitigation measures required directly as a result of the development and contribution towards wider air quality measures.	Mitigation measures required directly as a result of the development and contribution towards wider air quality measures.
Street naming	Provision of street naming and street nameplates	Provision of street naming and street nameplates	Provision of street naming and street nameplates

Infrastructure provision	North-East, Didcot	Ladygrove East, Didcot	Site B, Wallingford
Flood Protection and water management	A flood risk assessment and drainage strategy is required. Plan and sections to show existing ground and proposed ground and slab levels.	A flood risk assessment and drainage strategy is required.	A flood risk assessment and drainage strategy is required.
Sustainable Drainage System	SUDS to be implemented across the site before construction to provide sufficient discharge to the stream (Ladygrove Brook). Phasing requirements for drainage to be submitted. Roads and hard surfaces to incorporate permeable construction methods.	SUDS to be implemented across the site. Roads and hard surfaces to incorporate permeable construction methods	SUDS to be implemented across the site. Roads and hard surfaces to incorporate permeable construction methods

Appendix 2 - Summary table of relevant planning policies (to also include any new or updated policies)

	Core Strategy	Saved policies in the Local Plan
Infrastructure provision	CSI1	D11
Affordable housing	CSH3	H10
Education	CSI1, CSEM1, CSDID3, CSDID4, CSTHA1, CSWAL2	
Adult learning	CSI1	
Transport	CSM1, CSM2, CSDID1, CSDID2, CSDID3, CSDID4, CSHEN1, CSTHA1, CSWAL1, CSWAL2, CSR3, CSI1	T1, T2, T7 D5 (iii)
Public Rights of Way	CSWAL2	R8
Indoor and outdoor recreation and sports facilities	CSDID2, CSDID3, CSDID4, CSHEN1, CSTHA1, CSWAL1, CSI1, CSR3	R1, R2, R3, R4
Play areas	CSI1	
Open space/ amenity space	CSI1	D3, R6, HEN4
Green space and biodiversity	CSG1, CSB1, CSDID4	C6, C8, C9
Allotments	CSI1	R6
Community centres/halls	CSDID2, CSR3, CSI1	CF2
Children's centre and nursery provision	CSI1	
Integrated Youth support service	CSI1	
Cemeteries	CSI1	
Community safety	CSDID2, CSQ3, CSI1	D6
Recycling	CSI1	D10
Health	CSDID4, CSR3, CSI1	
Libraries	CSI1	
Museum resource centre	CSI1	
Public art/Public realm	CSDID1, CSDID2, CSQ3, CST1	D12
Air Quality	CSM1, CSDID1, CSWAL1, CSWAL2	
Flood Protection and water management	CSQ2	EP4
Sustainable Drainage System	CSQ2	EP6
Health and Wellbeing provision for the Elderly	CSI1	
Fire and Rescue	CSI1	

Appendix 3 - Approach to negotiating planning obligations and assessment of need

The council will seek to negotiate planning obligations on the following basis:

- 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 strategic sites, where infrastructure will be secured through Section 106 the district council will discuss with 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 Plans will help identify the need for necessary infrastructure.
- Where the need arises for provision and/or contributions to services not administered by the district council we will work with the County Council and other agencies, where necessary.
- We will require a financial appraisal and supporting evidence (preferably at pre-application stage) in cases where the applicant considers that the site with the proposed development cannot viably support the identified infrastructure requirements. If required, an independent review of the financial appraisal will be commissioned by the District council and costs are to be borne by the applicant.
- We will seek confirmation that the applicant will pay the local authorities' legal costs and will need details of the ownership of the application site before any legal work takes place.
- We will require the applicant/developer to bear the local authorities' costs to administer and monitor the compliance of obligations
- Where a scheme requires a S106 agreement, for instance a major planning application for residential development draft heads of terms for a Section 106 legal agreement should be submitted with the planning application. The draft Section 106 legal agreement should be agreed before the planning application is referred to Planning Committee. The legal agreement must be then signed and completed before the issue of a planning permission. The absence of a necessary planning obligation may be sufficient for the council to refuse permission.

- The District Council, for large or complex sites, may seek to enter into a planning performance agreement with the applicant.
- Where an application is made that is part of a wider development area then masterplanning 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.
- 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.

Assessment of need

In assessing the impact and likely demand for infrastructure arising from a new housing development, an estimate of the likely occupancy and therefore additional population is used as set out below:¹³

1 bedroom – 1.28 persons

2 bedrooms – 1.87 persons

3 bedrooms – 2.75 persons

4+ bedrooms – 4.01 persons

The above occupancy rates per unit will be applied to all residential development proposals of 400 dwellings and under. For larger developments an excel based model known as POPCAL 10 will be used to calculate a detailed population profile associated with the proposed development.

Where the precise amount of development is not specified in an outline application the agreement will include a mechanism for the contributions to be calculated pre and/or post-implementation according to the housing mix approved at reserved matters.

Where on site provision is required the council will expect facilities and open space to be provided in accordance with a detailed specification of works and proposals for ongoing maintenance, to be submitted and agreed at detailed application stage. A supplementary agreement setting out management arrangements will need to be signed before the issue of a planning permission.

¹³ Occupancy rate derived from the Oxfordshire Survey of New Housing, 2008

Education (primary, secondary, special needs)

The table below sets out (for those proposals where a bespoke POPCAL 10 assessment is not appropriate i.e. 400 and fewer units) the expected pupil generation rates per dwelling.

Table 1 - Pupil generation rates per dwelling

	1 Bed	2 Bed	3 Bed	4+ Bed
Primary (4-10)	0.00	0.20	0.39	0.51
Secondary (11-15)	0.00	0.11	0.24	0.39
Sixth Form (16/17)	0.00	0.01	0.03	0.07

These rates are derived from the Oxfordshire Survey of New Housing (2008). A reduction of 15% has been applied to the rates to take account of pupils using the independent sector. A further reduction has been applied to the sixth form rates as it is recognised that not all children will stay in school into the sixth form.

Based on the current number of children being educated in Special Educational Needs (SEN) schools in Oxfordshire 1.11% of the total estimated pupils will need to be educated in a SEN school (the majority of pupils with a statement of special educational needs are educated in “mainstream” schools).

Appendix 4 - Specifications for Children's play provision

A detailed specification will be required to be submitted with a full application or at each detailed Reserved Matters application[s] stage and will be subject to community consultation.

Each equipped play space is to be designed to be interesting, varied challenging and stimulating providing a range of opportunities, including running, balancing, sliding, climbing, swinging, crawling and jumping, socialising, playing ball games and being generally active, in accordance with the Fields in Trust: Planning and Design for Outdoor Sport and Play, 2008. Each equipped play area will have good natural surveillance. They will be designed to be in accordance with the Equality Act 2010 and will be integrated with other open spaces and areas of existing and new planting. The design should take account of Government guidance on Developing an Accessible Play Space and ROSPA's guidance on accessible play areas.

General Characteristics for children's play provision

Children's play areas should be:

- appropriate to the needs of the local community
- sited minimum of 10 m from the nearest dwelling boundary or 30 m from the nearest door or window of the nearest dwelling, whichever is less, and to include buffer planting to screen site without compromising passive surveillance
- Separated from major vehicle movement and accessible from pedestrian routes and cycle ways
- Surfaced path to access site
- Safety surfacing for all equipment to comply with the relevant standard to EN1177, free from surface water ponding and designed to limit the need for maintenance
- Safety surfacing around equipment for toddlers to be wet pour or similar approved. Bark, timber chips and tiled finishes will not be acceptable.
- All equipment must comply with the relevant standard to EN1176
- The boundaries of the play area should be recognisable by either fencing or landscaping. Perimeter fences are generally considered inappropriate though some fencing may be necessary if the site adjoins one or more roads. If the site is enclosed there should be two, outward-opening, self-closing gates on opposite sides of the site and one maintenance gate. If fencing is used, a height of 1 metre is suggested. Depending on location, there may need to be a barrier limiting the speed of a child entering or leaving the site.
- Optimum use of changes in level, textural and colour variety in materials used to stimulate senses
- Integrated, as far as possible, with other open spaces and areas of amenity planting to provide separation from nearby dwellings

Facilities and Features

- LAP: It may contain demonstrative features that allow young children to identify and claim the space as theirs. Depending on the location it may have a 600mm guard rail, low fence or planting to indicate the perimeter.
- LEAP: Not less than 5 types of equipment to provide a variety of challenges and experiences designed for a range of ages, at least some of which should be suitable for disabled users.
- NEAP: minimum activity zone of 1,000m², comprising an area for play equipment and structures, and a hard surfaced area of at least 465 m²
- The buffer zone is to include soft landscape; planting should be varied to provide a mix of scent, colour and texture in accordance with the Fields in Trust
- Seating provision close to equipment in sun and shade
- Litter bins at entrances
- More adventurous play to be sited separately
- Signage stating name and telephone number of agency responsible for maintaining site

Planting and Biodiversity

- Good mix of “child-friendly” (i.e. not sharp, spiky or poisonous) plant and tree species in the vicinity
- Generous use of planting to enhance amenity, stimulate the senses of sight, sound, touch and smell

Post Installation Safety Inspections

Post installation equipped play areas will be subject to a post installation RoSPA inspection. An inspection regime must be incorporated in the management and maintenance plan

Management and Maintenance

A detailed maintenance schedule and management plan for 20 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.

Summary table - 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"> • Appropriate to community needs • Unique to the development • Taking into account natural features • Integrated within the open space 	5m for boundary	Incorporated within open space, planting may be used to indicate boundaries. Perimeter fencing is not 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 ¹⁴ , 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"> • Accessible to children with disabilities • Good natural surveillance 	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. Weekly visual inspections. 3 monthly inspections to a recognised standard.
NEAP	1000 sqm	In addition to LEAP requirements - minimum activity zone of 1,000m ² , 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"> • Safer surfacing • Generous use of planting 	30m from boundary		

¹⁴ Running, balancing, sliding, climbing, swinging, crawling and jumping, socialising, playing ball games and being generally active.

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.

Biodiversity: The variety of life on earth encompassing the whole range of mammals, birds, reptiles, amphibians, fish, insects, and other invertebrates, plants, fungi and micro-organisms.

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.

Core Strategy: Sets out the long-term spatial vision for the Council, the spatial objectives and strategic policies to deliver the vision.

Green infrastructure: The network of accessible, multi-functional green and open spaces.

Infrastructure: Service provision, physical infrastructure and amenity.

In perpetuity: means of endless duration, not subject to termination

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

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. NEAPs and Multi Use Game Areas are considered strategic play areas as these serve for a larger catchment area.

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) contribution payments, which are 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.

Strategic sites: Strategic sites allocated through South Oxfordshire Core Strategy (Dec 2012) and are North East Didcot, Ladygrove East Didcot and Site B Wallingford

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.