

South Oxfordshire Developer Contributions SPD Supplementary Planning Document



JANUARY
2023

1.	INTRODUCTION	5
	PURPOSE OF THIS DOCUMENT	5
	DEVELOPER CONTRIBUTIONS	6
	COMMUNITY INFRASTRUCTURE LEVY (CIL)	7
	SECTION 106 PLANNING OBLIGATIONS	8
	SECTION 278 AGREEMENTS	8
	PLANNING CONDITIONS	8
2.	RELATIONSHIP BETWEEN CIL, S106 PLANNING OBLIGATIONS, PLANNING CONDITIONS, SECTION 278 AGREEMENTS AND PLANNING CONDITIONS	9
3.	POLICY FRAMEWORK	10
4.	DEVELOPER CONTRIBUTIONS	12
	AFFORDABLE HOUSING	13
	EDUCATION	15
	TRANSPORT	17
	RECREATION AND LEISURE	19
	Sport and Recreation Facilities (including playing pitches)	19
	Open Space and Play Facilities	21
	Allotments	23

COMMUNITY FACILITIES	24
Social and Community facilities	24
Health Care	25
Fire & Rescue and Police	26
Cemeteries	26
PLACEMAKING AND PUBLIC REALM	27
LOCAL EMPLOYMENT, SKILLS AND TRAINING	29
ENVIRONMENTAL IMPACTS	30
Climate Change Mitigation	30
Biodiversity and Green Infrastructure	31
Waste and Recycling	33
Air Quality	34
Flood Protection and Water Management	36
Waste Water	38
UTILITIES	39
STREET NAMING	39
5. MANAGEMENT AND MAINTENANCE OF INFRASTRUCTURE	40
OPEN SPACE	40
BUILDINGS	41
PUBLIC ART	43
EQUIPPED PLAY AREAS	43
SPORTS PITCHES	43

6.	SELF-BUILD AND CUSTOM-BUILD HOUSING	44
7.	NEGOTIATION AND ADMINISTRATION OF PLANNING OBLIGATIONS	45
	APPROACH TO NEGOTIATING PLANNING OBLIGATIONS	45
	VIABILITY AND DELIVERABILITY	45
	DEFINITION OF LAND VALUE	46
	OPEN BOOK APPROACH	47
	LEGAL, ADMINISTRATION AND MONITORING	47
	INTEREST ON LATE PAYMENT AND ENFORCEMENT	48
	INDEXATION	48
	BONDS	48
8.	APPENDICES	49
	APPENDIX 1 – SUMMARY TABLE OF KEY RELEVANT LOCAL PLAN POLICIES	50
	APPENDIX 2 – APPROACH TO NEGOTIATING PLANNING OBLIGATIONS	54
	APPENDIX 3 – SPECIFICATIONS FOR CHILDREN'S PLAY PROVISION	56
	GLOSSARY	58

Executive Summary

New development plays an important role in creating new homes and jobs in our communities. However, new development can have a significant impact on the capacity of local infrastructure such as schools and health facilities and can put additional pressure on local green space and other important community facilities.

There are a number of ways in which councils can seek developer contributions towards the provision of necessary infrastructure and services to support new development and mitigate impact on the local community.

This Supplementary Planning Document (SPD) provides guidance on planning obligations under Section 106 of the Town and Country Planning Act 1990 (as amended), which are more commonly known as S106 Agreements and are a mechanism used by councils to mitigate the direct impacts of a particular development.

The Community Infrastructure Levy (CIL) is another important mechanism which councils can use to raise funds from certain new developments towards the provision of infrastructure throughout the district. However, for some sites (such as strategic sites allocated in the Local Plan), the S106 planning obligations will be so significant that it has been deemed that they should not be required to make a contribution through CIL.

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

There are different purposes and legislative rules for each of the developer contributions mechanisms (CIL, S106 and S278). This document gives guidance as to when S106 contributions will be sought, ensuring the provision of sustainable development in line with the policies of the Development Plan and other relevant considerations.

1. INTRODUCTION

PURPOSE OF THIS DOCUMENT

- 1.1 Supplementary Planning Documents (or SPDs) are documents which add further detail to the policies in a Local Plan. They can be used to provide further guidance for development on specific sites or on particular issues, such as design or developer contributions. SPDs are capable of being a material consideration in planning decisions but are not part of the development plan. The requirements for producing Supplementary Planning Documents are set out in Regulations 11 to 16 of the Town and Country Planning (Local Planning) (England) Regulations 2012. Whilst SPDs relate specifically to adopted Local Plan policies, in instances where more recent national planning policy or targets have been published, it is those national policies or targets that will take precedence.
- 1.2 This Supplementary Planning Document (SPD) is relevant to all development proposals (including residential, employment and retail) and its purpose is to:
- Outline the differences between each of the mechanisms for securing developer contributions and to explain the relevant legislative and planning policy context within which contributions are sought;
 - Identify which contributions mechanism will be used in which circumstances; and
 - Explain what is expected of applicants and what the applicant can expect from the Council in relation to securing infrastructure through S106 planning agreements.
- 1.3 This SPD sets out the Council's specific S106 requirements by type. For ease of reference, in Section 4 of the document, each type of infrastructure is given a unique reference number (DEV1, DEV2 etc) and the specific requirements are highlighted in boxes, alongside a cross reference to relevant Local Plan policies. In instances where allocated sites are mentioned, these could be sites in either the Local Plan or any made neighbourhood plan. Additional commentary on the rationale behind certain requirements is also provided.
- 1.4 This SPD takes effect from 3 January 2023 and replaces the Section 106 Planning Obligations Supplementary Planning Document (adopted 1 April 2016).

DEVELOPER CONTRIBUTIONS

- 1.5 The Council secures developer contributions, both financial and non-financial, from development to mitigate the negative impacts of development, address infrastructure needs, contribute towards placemaking and meet Local Plan policy requirements.
- 1.6 There are three main mechanisms used to secure infrastructure funding and provision from developers:
- The Community Infrastructure Levy (CIL)
 - Planning obligations under Section 106 of the Town and Country Planning Act 1990 (as amended); and
 - Agreements made with the County Council under Section 278 of the Highways Act.
- 1.7 In some circumstances, planning conditions attached to planning permissions may also be used to secure non-financial mitigation, to define timing or apply standards.



COMMUNITY INFRASTRUCTURE LEVY (CIL)

- 1.8 CIL is charged on certain 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 are pooled together to help fund infrastructure to support development in the district. CIL has been set at a level that does not threaten the viability and delivery of development identified in the adopted South Oxfordshire Local Plan 2035.
- 1.9 The Council publishes a CIL Spending Strategy, setting out how the spending of CIL funds will be prioritized and administered. In accordance with the CIL Regulations, a proportion of the CIL monies is passed to the local town or parish council. The District Council is required to spend CIL on infrastructure and the Council's adopted CIL Spending Strategy allocates funds to stakeholders such as Oxfordshire County Council and the Buckinghamshire, Oxfordshire and Berkshire West Integrated Care System (ICS). The Spending Strategy is regularly reviewed.
- 1.10 There are several exemptions and reliefs to CIL that applicants can apply for to reduce or remove the amount of CIL payable (for example, in relation to self-build or social housing developments or through charitable relief). The South Oxfordshire CIL Charging Schedule and supporting documents can be found on the Council's website.



SECTION 106 PLANNING OBLIGATIONS

- 1.11 S106 agreements and deeds are used to secure the infrastructure/ services required to mitigate the impact of a particular development and/or to meet specific planning policy requirements. Developer contributions via S106 can be: financial contributions; affordable housing provision; the provision of land or restriction on the use of land; or the direct delivery of facilities.
- 1.12 As set out in CIL Regulation 122, S106 obligations should only be used to secure infrastructure where it is:
- necessary to make a development acceptable in planning terms
 - directly related to a development
 - fairly and reasonably related in scale and kind to the development
- 1.13 Government's Planning Practice Guidance on Planning Obligations states that tariff-style S106 contributions cannot be sought from small-scale, self-build or starter homes developments.
- 1.14 A planning obligation is usually an agreement between interested parties (e.g. a developer, landowner, the District Council and the County Council). However, it can also be in the form of a unilateral undertaking (where the developer makes an unconditional promise) that is made to the District Council and/or the County Council to make an application acceptable in planning terms.

SECTION 278 AGREEMENTS

- 1.15 These are legally binding agreements made under S278 of the Highway Act 1980 between the developer and the County Council (as Highway Authority) to fund, or undertake, alterations or improvements to the public highway, where the County Council considers the agreement is of benefit to the public.

PLANNING CONDITIONS

- 1.16 In addition to developer contributions, planning conditions attached to a planning permission may set out details of provision or required standards/timeframes for works which must be carried out at set stages. Failure to comply with planning conditions can make a development unlawful and un-implementable in its original form. Planning conditions cannot require the payment of money or the transfer of land ownership and these matters should be covered in a S106 or S278 agreement.

2. RELATIONSHIP BETWEEN CIL, S106 PLANNING OBLIGATIONS, PLANNING CONDITIONS, SECTION 278 AGREEMENTS AND PLANNING CONDITIONS

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

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

Mechanism		Use
Community Infrastructure Levy	A financial payment which can be used for any infrastructure needed to support the development of the district.	District-wide and local infrastructure
Section 106 planning obligation	Can secure on-site or off-site infrastructure and contributions towards on-site and off-site infrastructure and services required to make development acceptable in planning terms.	To secure planning policy requirements (e.g. affordable housing). To address/mitigate direct impacts of development, including the provision of infrastructure or services.
Section 278 Agreement	Allows developers to fund/ deliver alterations and improvements to the public highway in the public interest.	Highway improvements and alterations to address the impact of new development on the network.
Planning condition	To mitigate the potential adverse effects of the proposed development and ensure compliance with development plan policy. To enable development proposals to proceed where it would otherwise be necessary to refuse planning permission.	To make the development acceptable (where the requirement does not involve the payment of money or the transfer of land ownership).

3. POLICY FRAMEWORK

- 3.1 Nationally, policies relating to developer contributions are set out in the National Planning Policy Framework July 2021 (the NPPF), with additional guidance provided in Government's Planning Practice Guidance (PPG).
- 3.2 All development proposals should be determined in accordance with the development plan unless material considerations indicate otherwise¹. The development plan comprises the Local Plan, made neighbourhood plans and the Minerals and Waste Local Plan. In summary, at a local level, development proposals must be considered in line with the following:
- South Oxfordshire Local Plan 2035
 - Any made (adopted) Neighbourhood Plan covering the area in which the development is proposed
 - Oxfordshire Minerals and Waste Local Plan² Part 1 Core Strategy and saved policies from the Oxfordshire Minerals and Waste Local Plan 1996
 - Joint South Oxfordshire and Vale of White Horse Local Plan (currently in preparation)
 - Any relevant Supplementary Planning Documents (SPDs)
- 3.3 This Supplementary Planning Document supports the delivery of the South Oxfordshire Local Plan 2035 and is an important material planning consideration in the decision-making process of planning applications. The main development plan policy that this document seeks to support is Policy INF1 Infrastructure Provision, which is set out overleaf.
- 3.4 A summary table of other relevant Local Plan policies is set out in **Appendix 1**.

¹ Section 38(6) of the Planning and Compulsory Purchase Act 2004 and section 70(2) of the Town and Country Planning Act 1990.

² The Minerals and Waste Local Plan: Part 2 Site Allocations document is also currently in preparation.

Policy INF1: Infrastructure Provision

1. New development must be served and supported by appropriate on-site and off-site infrastructure and services.
2. Planning permission will only be granted for developments where the infrastructure and services needed to meet the needs of the new development are already in place or will be provided to an agreed timescale. Infrastructure includes the requirements set out in the Council's Infrastructure Delivery Plan, Leisure Study, Green Infrastructure Strategy, any relevant made Neighbourhood Development Plans, and/or infrastructure needed to mitigate the impact of the new development.
3. Infrastructure and services, required as a consequence of development, and provision for their maintenance, will be sought from developers, and secured through planning obligations, conditions attached to a planning permission, other agreements, and funding through the Council's Community Infrastructure Levy (CIL) or other mechanisms. This applies equally where external funding for infrastructure necessary for development has been secured (including where the infrastructure is delivered ahead of development), on the expectation that funding shall be recovered from development.
4. Development will also need to take account of existing infrastructure, such as sewerage treatment works, electricity pylons or gas pipelines running across development sites. Early engagement with infrastructure providers will be necessary, with any changes set down and agreed at planning application stage, for example through planning conditions.

This policy contributes towards achieving objectives 1, 4, & 6.

4. DEVELOPER CONTRIBUTIONS

- 4.1 The overarching Local Plan policies relating to the provision of affordable housing, infrastructure and services are H9 and INF1, but the Plan also includes a series of strategic site policies and detailed development policies. In order to achieve sustainable development and deliver high quality places, development proposals need to be consistent with all relevant Local Plan policies, as well as contributing towards identified infrastructure requirements.

- 4.2 It is essential that all infrastructure requirements are factored into the cost of a potential development when negotiating to buy or take an option on a site. Infrastructure provision must be considered an integral part of any development proposal and planning application submission. Developers should read the Council’s most recent Infrastructure Delivery Plan for help in identifying the likely infrastructure requirements. Further information (for example, on the costs of delivery of different infrastructure types and the associated financial contributions that will be sought from development) is available on the District Council’s website. This information is updated annually to take account of indexation and inflation. Information on County Council planning obligations can be found in the Oxfordshire County Council Guide to Developer Contributions (April 2021), available on the County Council’s [website](#).

- 4.3 The Council encourages developers to involve town and parish councils, local community and access groups and district ward councillors at an early stage in discussions over infrastructure provision, prior to drawing up Section 106 agreements. This is particularly true where they may have detailed knowledge of local infrastructure needs and costs.



AFFORDABLE HOUSING

- 4.4 The NPPF advises that local housing need assessments should be undertaken to establish the size, type and tenure of housing needed for different groups in the community and that, where a need for affordable housing is identified, planning policies should specify the type of affordable housing required and expect it to be met on-site, unless off-site provision or an appropriate financial contribution in lieu can be robustly justified.

DEV1 Affordable Housing

Residential

For all sites providing a net gain of 10 or more dwellings, 40% of the total number of dwellings will be secured as affordable housing through a S106 obligation, with the exception of the Strategic Sites adjacent to Oxford City (STRAT11 – Land South of Grenoble Road, STRAT12 – Land at Northfield and STRAT13 – Land North of Bayswater Brook), which will provide 50% affordable housing.

The tenure split of the affordable housing will comprise: First Homes 25%,

Social Rent 35%, Affordable Rent 25% and Other Routes to Affordable Home Ownership 15%.

Specialist accommodation (e.g. purpose-built accommodation for the elderly or students) is exempt from providing First Homes and, for such schemes, developers and the Council will need to agree a suitable tenure mix on a case by case basis.

Key relevant Local Plan policies include: H9, H10 and H11.

- 4.5 Policy H9 (Affordable Housing) states that 40% affordable housing will be sought on all sites with a net gain of 10 or dwellings in Use Class C3 (or a net gain of 5 or more dwellings on sites within the Areas of Outstanding Natural Beauty (AONB)) or where the site has an area of 0.5 hectares or more. 40% affordable housing will also be sought in respect of all developments with Use Class C2, where the site is delivering a net gain of 10 or more self-contained units. In respect of elderly person’s accommodation, whether it is considered C2 or C3, if it self-contained, affordable housing will be sought.
- 4.6 Policy H10 (Exception Sites and Entry Level Housing Schemes) relates specifically to small-scale affordable housing schemes outside settlements and sets out a series of criteria against which proposals will be assessed, before

permission can be granted. Caveat (2) of H10 states that planning obligations will be sought before planning permission is issued, to ensure that these criteria are met.

- 4.7 Government's First Homes scheme came into force on 28 June 2021 and, from this date, national policy will require at least 25% of all affordable homes delivered by developers under Section 106 agreements to be First Homes. The Gov.UK website has detailed [guidance on aspects of the First Homes scheme](#) (including a First Homes definition, eligibility criteria, transitional arrangements and guidance on how developer contributions can be secured for First Homes). The Council has also published its own [First Homes Guidance Note](#).
- 4.8 Affordable housing provision may include affordable extra care and specialist housing for vulnerable groups (such as the elderly with care needs and people with physical and learning disabilities or complex autism). Oxfordshire County Council advises on the local need for these specific types of housing schemes and the district council will work with the County Council and developers to secure and deliver this provision. In schemes over ten dwellings (and in all affordable housing), development must meet accessibility standards in accordance with Policy H11.
- 4.9 Affordable housing should be distributed evenly across a site and, depending on the size and tenure of the dwellings, this should be in clusters of: (i) around 4 dwellings in the case of schemes of 30 dwellings and less; and (ii) up to 8 dwellings for blocks of flats and schemes over 30 dwellings. On strategic sites up to 15 dwellings may be acceptable. Affordable dwellings located adjacent to each other, but located in a separate perimeter block, will be considered to comprise the same cluster.
- 4.10 Affordable housing should be indistinguishable from market housing. Car parking provision (including allocated parking spaces), layout, location, landscaping and external features (such as EV charging points, solar panels etc) should be comparable in design to market units. Where apartment blocks are proposed for affordable housing, this should also be reflected in the market provision.
- 4.11 Affordable housing should be provided on-site, except where there is a fractional requirement (e.g. 4.5 dwellings). In such instances, the fractional portion (i.e. the 0.5 in this example) will be secured as an off-site contribution.
- 4.12 Further guidance on the calculation of off-site contributions towards affordable housing provision will likely be prepared as a stand-alone document and progressed alongside the Joint Local Plan.

EDUCATION

- 4.13 As set out in the NPPF, the Government attaches great importance to ensuring that a sufficient choice of school places is available to meet the needs of existing and new communities. Education provision includes nursery, pre-school, primary, secondary, sixth form and special needs education.
- 4.14 The County Council publishes a Pupil Place Plan, which sets out how it expects school provision to change over the next few years and explains the issues that the County Council will face in meeting its statutory duties for providing nursery and school places, including those due to new housing.

DEV2 Education
Residential
New provision or extension of existing educational facilities relating to particular sites (both strategic and non-strategic) will generally be secured through S106.
Land or contributions towards land for educational facilities will also be secured through S106.

- 4.15 Where a site is due to make an education contribution through S106, a calculation of expected pupil numbers will be made by the County Council to ascertain what additional school capacities are required to meet demand for nursery and school places as a result of the development.
- 4.16 Contributions towards educational infrastructure will be calculated by assessing the number of pupils, of the appropriate age, arising from the net increase in dwellings and the cost of providing the infrastructure required to meet the needs of the pupils generated. Developers may also be required to fund temporary accommodation to provide for pupils generated from development prior to the opening of any new permanent school classrooms, if the timing of development is such as to make this necessary.
- 4.17 The requirement for new provision for planned development has been set out in the Council’s Infrastructure Delivery Plan. It will be important to identify the proposed school site at the master planning stage and ensure that it is of a size and shape sufficient to meet the needs arising from the development and allow for expansion of future needs.

- 4.18 Where land is required for educational facilities, detailed discussions with the County Council and sufficient evidence, including appropriate surveys, will be required in order to ensure it is suitable for educational use and to agree the actual boundaries of the site allocated, including the location of accesses and services. Land will need to be provided fully serviced and remediated and there may be additional payments to cover any abnormal costs associated with the build. Information on school site requirements can be found in the County Council’s [Property Manual](#) (available on the OCC website). Further land may be required where it is necessary to provide for future expansion of the school. Triggers on the transfer of land and payment of contributions will be secured in the S106 agreement.
- 4.19 It is not sustainable for children living in a new development to have to travel outside a settlement to attend a school with sufficient space for them. Both primary and secondary places should be provided within reasonable walking distance of new developments. However, there may be a need to transport children for a limited period of time if, for example, a school expansion/ provision is programmed later than the start of the housing development. In such circumstances, where it is not possible to provide school places within a reasonable walking distance, an additional contribution towards the cost of providing transport for children to school may be required and secured through a S106 planning obligation. The contribution would reflect the cost of providing the transport for a defined period of time.
- 4.20 All development that generates pupils will be assessed for providing education contributions that will be secured through S106. For the strategic sites identified in the Local Plan, which are exempt from CIL, education provision (both land and funds) will only be secured through S106 or other dedicated funding streams, as appropriate. With other developments, educational provision will also be funded by S106 planning obligations, but where there is a funding gap, financial contributions collected through CIL could also be used to fund education facilities where necessary.



TRANSPORT

- 4.21 Section 9 of the NPPF requires the planning system to promote sustainable transport. The provision of viable transport infrastructure, necessary to support sustainable development in the district, also makes an important contribution towards Government’s wider sustainability and health objectives.

- 4.22 New development in the district will place additional pressure on local transport and highway networks, including public transport infrastructure, bus services and pedestrian and cycle routes. Policy INF1 states that new development must be served and supported by appropriate on-site and off-site infrastructure and services. Policy TRANS2 also states that the Council will work with Oxfordshire County Council and others to support provision of measures which improve public transport, cycling and walking networks within and between towns and villages in the district, as well as supporting improvements to the transport network which increase safety, improve air quality, encourage use of sustainable modes of transport and/or make our towns and villages more attractive.

DEV3 Transport
All development
Direct mitigation of individual site transport impacts (including roads, cycleways, footpaths, public rights of way, public transport and the monitoring of travel plans) will be secured through S106. Infrastructure may need to be delivered through the developer entering into a S278 agreement with the County Council.
Contributions towards strategic transport infrastructure projects will be secured where necessary in accordance with the Local Plan and the Infrastructure Delivery Plan.
Grampian condition(s) or S106 provisions restricting occupations may be necessary where off-site measures are required to enable development to come forward.
Key relevant Local Plan policies include: TRANS1b, TRANS2, TRANS3, TRANS4 and TRANS5

- 4.23 New development proposals will be required to provide for appropriate specific works and improvements, both on-site and off-site, to mitigate the impact of the development scheme on the transport network, including highways, buses and the rail network. It will be important to identify these at the earliest opportunity, in liaison with the County Council, to ensure that the transport proposals adequately meet the needs arising from the development. Discussions with Network Rail, Highways England and bus operators in the area may also be necessary.
- 4.24 Site-related transport works required as direct mitigation will have been identified in a Transport Assessment and may include (but not be limited to): public transport infrastructure on or adjacent to the site; works to footways/cycle ways (including public rights-of-way); pedestrian and cycle crossings; signage (including cycle routes to new facilities); raised kerbs; new junctions; access roads to and within the site; link roads; Traffic Regulation Orders; traffic lights; lighting and street furniture. Where new developments are to be car-free or have low parking provision, the Council will seek obligations towards the additional provision of more sustainable transport infrastructure and/or provision or membership of care share clubs or organisations.
- 4.25 S278 Agreements are made between the developer and the County Council as Highway Authority, and will generally refer to:
- the relevant planning permission and authorisation under which the works are to be carried out;
 - schedule and drawings detailing the works;
 - the full costs of the works and costs of managing the agreement to be paid by the developer;
 - location and amount of land being conveyed to the Highways Authority (County Council);
 - details of bonds/surety;
 - who will design, manage and undertake the works; and
 - details of any commuted sum for future maintenance.
- 4.26 In addition to the provision of infrastructure improvements, Travel Plans can form an important part of a planning application proposal with the aim of reducing car usage and increasing the use of public transport, walking and cycling, in support of the Council's sustainable transport objective (OBJ 4.2 of the Local Plan). Travel Plans will normally be sought via a planning condition, with contributions towards monitoring of the Travel Plan secured through S106.

RECREATION AND LEISURE

Sport and Recreation Facilities (including playing pitches)

- 4.27 The NPPF recognises the contribution that access to sport and recreation facilities can make in promoting the health and well-being of communities.
- 4.28 Policy CF5 of the Local Plan requires new housing development to provide or contribute towards accessible sport and recreation facilities, including playing pitches, having regard to the Council’s most up to date Leisure Study and Sport England guidance. It goes on to say that provision is expected to be delivered on-site (unless it can be demonstrated that this is not feasible) and that the Council will also seek provision for the future long-term maintenance and management of the new facilities.
- 4.29 The area in hectares of sport and recreation, open space and play facilities should be identified in applications for planning permission (outline and full applications) and set out in a land use budget and drawings accompanying the planning application.

DEV4 Indoor and Outdoor Sports and Recreation Facilities

Residential

On-site provision of sports and recreation facilities will be secured through S106.

The provision and enhancement of off-site sports and recreation facilities will be funded through S106 or CIL.

Key relevant Local Plan policies include: CF1, CF3, CF4 and CF5.

- 4.30 The Council will liaise with the relevant National Governing Body for those sports to be provided, as well as with local sports clubs, the town or parish council and local councillors to establish the most appropriate form of provision, taking account of the location, scale and form of the proposed development.

- 4.31 On allocated sites, especially where several are in close proximity, the Council may seek to cluster the on-site provision of sports facilities, for example by devoting all the outdoor sport provision on a particular site towards a single sport. This will enable the provision of sporting facilities that will attract, and can sustainably be used by, local clubs, with resultant benefits in long term management and maintenance. It will also enable the provision of more specialist sports facilities within the district. In exceptional circumstances, contributions may be sought towards off-site provision of sports and recreation facilities, through a S106 agreement.

- 4.32 The quality, design and accessibility of sports facilities should reflect current best practice, including design guidance and environmentally sustainable design guidance from Sport England and the national governing body.



Open Space and Play Facilities

4.33 Policy CF5 requires new residential development to provide or contribute towards inclusive and accessible open space and play facilities, having regard to the most up to date standards set out in the Council’s Open Spaces Study³. In this Study, open space is split into the following categories:

- Parks and gardens
- Amenity greenspace
- Allotments (see DEV6 below)
- Children’s play space and informal youth provision/Multi Use Games Areas (MUGAs)

DEV5 Open Space and Play Facilities
Residential
On-site provision and management of open space and play facilities will be secured through S106 and/or conditions.
All new residential development shall provide on-site open space comprising:
<ul style="list-style-type: none"> • 1.4ha per 1000 population of amenity greenspace and/or parks and gardens; • 0.25ha per 1,000 population of designated Equipped Playing Space; and • 0.3ha per 1,000 population of provision for teenage/young people.
Where open space or play areas are to be transferred to the District Council, town or parish council or other management body, a commuted sum for sufficient funds for ongoing maintenance is required.
Key relevant Local Plan policies include: CF3, CF4 and CF5

4.34 Public open space (amenity greenspace and/or parks & gardens) is in addition to the private amenity space standards set out in the Council’s Joint Design Guide and Local Plan Policy DES5 (Outdoor Amenity Space). The need for open space will be based on Policy CF5 and the Open Spaces Study standards. Natural space for biodiversity will, in general, be additional to the above open space requirements. Section 106 contributions for the enhancement of open

³ Part 5: Open Spaces Strategy of the ‘Sports Facilities, Local Leisure Facilities and Playing Pitch Study (January 2017), Nortoft Partnerships Ltd. Population is based on an average of 2.35 persons per dwelling. Page 129

space in the vicinity of development may be sought where it is not possible to provide on-site open space (e.g a re-development scheme), but all greenfield development shall provide additional new public open space.

- 4.35 All open space, including play areas, should be available for use by the public, although for institutional developments such as elderly care, this could be provided as communal private open space. Specialist accommodation, where children do not reside, would not be expected to provide play space.
- 4.36 Open space is an integral part of creating sustainable places and should be provided as an amenity within a development to promote healthy living, informal areas of play and to create a sustainable, accessible, distinctive and attractive development. All open space should, therefore, be usable, have a purpose and be of a size, location and form appropriate for the intended use, avoiding space left over after planning (SLOAP) requirements or pushing open space to the periphery of development. It should be located outside areas liable to flood and should not comprise road verges or noise embankments. Open space should not be located where users would be subject to unacceptable noise levels or in areas of drainage attenuation which are unusable as open space.
- 4.37 Play space for children is vital to their health and development. There shall be provision for young teenagers with areas to assemble and play, as well as play equipment for children with disabilities. The District Council will liaise with town/parish councils and local councillors 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 any existing play facilities within the local area, in order to avoid duplicating existing play equipment. Town/parish councils can use their proportion of CIL receipts towards the enhancement of existing play areas in situations where either: there are a number of small sites being developed where, individually, each site would not reach the dwelling threshold required to trigger developer contributions towards play areas; or where there is no suitable local site to locate play facilities. Where a site cannot accommodate its on-site play requirement, due to exceptional site constraints, S106 contributions may be sought towards off-site provision.
- 4.38 On sites where provision is to be made for young people, developers should work with the District Council and town or parish councils to carry out consultation with young people in the local area to identify their needs and seek their input into the design of facilities.

- 4.39 The Council endorses the general design principles set out in Planning and Design for Outdoor Sport and Play (NPFA, Fields in Trust) and its own Joint Design Guide. Further specifications for children’s play provision are set out in **Appendix 4**. Children’s play and youth provision will be dependent on existing provision in the area and the demands from other development and, in some cases, may be in the form of financial contributions rather than on-site provision.
- 4.40 Section 5 of this SPD covers requirements for future management and maintenance of open space and other community infrastructure.

Allotments

- 4.41 Allotments are valuable community spaces that provide people with the opportunity to enjoy an active and healthy lifestyle. Policy CF5 requires new residential development to provide or contribute towards inclusive and accessible open space, including allotments, having regard to the most up to date standards set out in the Open Spaces Strategy.
- 4.42 The Council seeks the provision⁴ of 0.4 ha of allotments per 1000 population, accessible within a 1000 metre catchment. The Council will liaise with the town and parish councils regarding provision and management of allotments, which will usually be offered to town and parish councils. Community orchards may also be sought where supported by the local community and where adequate arrangements for maintenance are secured.

DEV6 Allotments
Residential
Provision of on-site allotments will be provided on strategic sites where required and on other greenfield sites over 300 dwellings, to be secured through S106. Elsewhere, allotments will be sought in accordance with the standards where a local need is identified.
Where allotments are to be transferred to the District Council, town or parish council or other management body, a commuted sum for sufficient funds for ongoing maintenance is required.
Key relevant Local Plan policy: CF5

⁴ In line with recommendations in [Part 5: Open Spaces Strategy](#) of the ‘Sports Facilities, Local Leisure Facilities and Playing Pitch Study (January 2017), Nortoft Partnerships Ltd. Population is based on average of 2.35 persons per dwelling. **Page 131**

- 4.43 Allotments should be sited in appropriate locations, away from busy roads and not within areas liable to flood. The site must have good pedestrian, cycle and vehicular access. A limited amount of parking will be required as well as services, water and secure boundary treatments. Provision for people with disabilities must be made. Allotments will need to be provided in accordance with a specification. At the stage of an outline application, an outline specification will be acceptable, but a full or detailed application will require a detailed specification.

COMMUNITY FACILITIES

Social and Community facilities

- 4.44 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 need.
- 4.45 Community and social facilities include: community centres/halls; indoor leisure facilities; libraries; museums; adult day care services; adult learning services, children and family centres, children’s homes and indoor youth facilities. These provide for the social, welfare, learning and cultural needs of residents and help to create and maintain sustainable communities.

DEV7 Social and Community Facilities
Residential
Allocated Local Plan sites will provide social and community facilities either on-site, where required in the Infrastructure Delivery Plan, or contribute to off-site provision through S106.
For other development, improvements to existing county social and community facilities will be sought from S106, with district facilities generally funded through CIL.
Key relevant Local Plan policy: INF1 and CF1

- 4.46 On large and strategic sites, the number of new residents and the need to provide a focus of social activity for the new community may generate a need for a new community building(s) on-site or improved provision nearby. Whether a need exists for such facilities is usually identified in the allocation or application process and, sometimes, the limited capacity and distance from existing facilities warrants a new or improved facility. The Council will liaise with the local community including town and parish councils, local councillors and community groups to identify appropriate provision. A new community development worker to encourage active participation and support community groups, activities and local resident associations may also be required and will be secured by a S106 obligation. It will be necessary to identify responsibilities for management (which may be the district, town or parish council or another organisation) and ongoing maintenance for new facilities will also be required. In some instances, it may be preferable to secure improvements to existing facilities, provided those facilities are within recommended travelling distances.

Health Care

- 4.47 Strategic objective OBJ 6.2 of the Local Plan seeks to provide access to high quality leisure, recreation, cultural, community and health facilities. The Council will liaise with the relevant Clinical Commissioning Group, GP practices, town and parish councils and local councillors in respect of new facilities funded through S106 and will obtain latest financial information from the CCG for calculating contributions towards health facilities from specific developments.

DEV8 Health Care
Residential
New or increased capacity of health facilities will be sought through S106 from development on allocated sites exempt from CIL.
Having regard to the site context, developer contributions for healthcare will be sought through S106 from extra care, nursing and care home developments. For other residential development, the provision and enhancement and/or extension of healthcare facilities will generally be funded by CIL.
Key relevant Local Plan policies include: DES4 and H13.

Fire & Rescue and Police

4.48 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. Growth in households and population also places an additional demand on police resources. The NPPF confirms that planning policies should promote public safety and include (where appropriate and proportionate) steps that can be taken to reduce vulnerability, increase resilience and ensure public safety and security.

DEV9 Fire & Rescue and Police
All development
Improvements to the fire and rescue and police services can be funded through S106 and/or CIL.

4.49 It will generally be a requirement that external fire hydrants are provided to the satisfaction of the Oxfordshire Fire & Rescue Service, through building regulations.



Cemeteries

4.50 Increased population within the district will require the provision/expansion of cemeteries. The majority of cemeteries are managed by town or parish councils who would need to undertake future responsibility secured through the S106, together with appropriate maintenance.

DEV10 Cemeteries
Residential
Where the Local Plan or a neighbourhood plan identifies a need for an allocated site to provide or contribute towards cemetery space, this will be secured through S106.

PLACEMAKING AND PUBLIC REALM

- 4.51 The NPPF states that the creation of high quality, beautiful and sustainable buildings and places is fundamental to what the planning and development process should achieve. Strong emphasis is also placed on creating healthy, inclusive and safe places and providing the social, recreational and cultural facilities that communities need, which in turn will improve the health, social and cultural well-being of all the district’s residents. The National Design Guide promotes the involvement of communities in the design process so that places and buildings reflect local community preferences, improve quality of life and fit well into their surroundings.

- 4.52 Policy DES1 (Delivering High Quality Development) requires all proposals for new development to be of high quality design that provides a clear and permeable hierarchy of streets, routes and spaces to create safe and convenient ease of movement by all users. DES1 also requires new development to secure a high quality public realm that is interesting and aesthetically pleasing and designed to support an active life for everyone with well managed and maintained public areas. The South and Vale Joint Design Guide SPD provides further guidance to support the delivery of DES1 requirements.

- 4.53 Under Policy DES4, developers of allocated sites (in both the Local Plan and Neighbourhood Plans), as well as all major developments, must submit a masterplan for their site at the planning application stage. Policy DES4 sets out the detailed criteria to be included within every masterplan. Where outline applications require further details on design, for instance design codes, public art proposals or detailed design of public thoroughfares and open space, the Council may seek obligations requiring the developer to carry out public engagement on placemaking and design



DEV11 Public Realm, Arts and Heritage
All development
Enhancement of the public realm (including through the provision of street furniture, unique public art, signage, wayfinding and accessible links to wider walking and cycling networks) will be secured, where appropriate to the proposal, through the design of the development and secured by conditions.
Public art ensures the creation of high quality, beautiful and sustainable buildings and places and provision should be integral to any site masterplanning process.
For strategic development sites, public realm improvements (including town centre improvements to increase accessibility for people with disabilities) may be sought through S106 and/or S278 agreements.
Obligations may be sought for community engagement on placemaking and design, particularly on allocated sites and major developments.
Heritage
Where appropriate, 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.
Key relevant Local Plan policies: DES1, DES2, DES4, ENV6, ENV7, ENV8, ENV9 and ENV10.

- 4.54 Public art integrated into developments can assist in delivering buildings and spaces that provide visual interest and a sense of identity. The involvement of the local community alongside professional artists in the design and commissioning of bespoke public art is important in creating a unique sense of place.
- 4.55 The provision of public art, including its location and design, should be in accordance with the South and Vale Joint Design Guide SPD. The Council's Arts Development Officer should be involved in the master planning of major schemes at an early stage. A written public art statement, setting out the commissioning process, location, budget and artist briefs, is expected to be in place prior to the commencement of the development. Timescales for delivery of public art should also be secured. The budget/ contribution for each

development will be based on the public impact, visibility and profile of the development.

- 4.56 Section 5 of this SPD includes further information on the future management and maintenance of public art.

LOCAL EMPLOYMENT, SKILLS AND TRAINING

- 4.57 Within the context of a sustainable, long-term economic recovery from the Covid-19 pandemic, the NPPF supports economic growth to create jobs and prosperity. It is important that local people are able to access the benefits of such growth in the District. The Local Plan, through STRAT1 (Overall Strategy), seeks to create a thriving economy in urban and rural areas with a range of work opportunities.
- 4.58 Policy STRAT1 requires close working with partner agencies and other stakeholders to ensure the timely delivery of the strategy, including by providing suitable employment for local people to ensure resilience to changing community needs in accordance with STRAT3 (Didcot Garden Town) and STRAT4 (Strategic Development).
- 4.59 As part of new development proposals for large and strategic residential and employment sites, developers will be encouraged to demonstrate how opportunities for local employment, apprenticeships and training can be created and also encouraged to maximise the opportunities for sourcing local produce, suppliers and services, during both construction and operation.
- 4.60 Community Employment Plans are employer-led initiatives which seek to mitigate the impacts of development through ensuring that local people can better access job opportunities arising from the development. They can cover local procurement agreements, apprenticeships, employment and training initiatives for all ages and abilities, as well as training and work experience for younger people, including those not currently in education, employment or training.

ENVIRONMENTAL IMPACTS

Climate Change Mitigation

- 4.61 The NPPF states that the planning system should support the transition to a low carbon future in a changing climate, taking full account of flood risk and coastal change. It should help to: shape places in ways that contribute to radical reductions in greenhouse gas emissions, minimise vulnerability and improve resilience; encourage the reuse of existing resources, including the conversion of existing buildings; and support renewable and low carbon energy and associated infrastructure.

- 4.62 Policy DES 10 sets out specific targets for carbon reduction which will normally be secured by condition and which step up over time. For housing, it requires all new build residential dwelling houses, developments that include 1,000sqm or more of C2 use and Houses of Multiple Occupation (HMOs) to achieve a percentage reduction in carbon emissions compared with the 2013 Building Regulations, starting at 40%. It also requires a percentage reduction in carbon emissions for all other major non-residential development (1,000sqm or more) This is in addition to requiring all non-residential proposals to meet the BREEAM excellent standard. These requirements apply to each individual dwelling and/or building and should not just be applied to the site as a whole. The requirement will increase from 31 March 2026 to at least a 50% reduction in carbon emissions and again from 31 March 2030 to a 100% reduction in carbon emissions (zero carbon).

- 4.63 Strategic sites which will have a longer build out period will need to consider delivery and the targets that will apply at the point of delivery, and to demonstrate that these can be met.

DEV12 Climate Change Mitigation
All development
All new development should seek to minimise the carbon and energy impacts of their design and construction and mitigate the effects of climate change through design.
Mitigation will usually be secured through conditions.
Key relevant Local Plan Policies: DES7, DES8, DES9 and DES10

Biodiversity and Green Infrastructure

- 4.64 Green infrastructure comprises parks and gardens, accessible natural and semi natural green space, green links, watercourses and canals, ecological networks, and nationally and locally designated nature conservation sites. These provide important informal recreation facilities and a biodiversity resource. The impacts of recreational uses are not always compatible with biodiversity and sufficient space should be identified for both elements in accordance with the standards and shall be set out in a land use budget and drawings accompanying the application for planning permission.

- 4.65 The NPPF highlights the role that planning plays in the protection, enhancement and management of biodiversity networks and requires planning policies to minimise impacts on and provide net gains for biodiversity. The 25 Year Environment Plan sets out 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. On-site biodiversity mitigation and enhancements will generally be secured by restrictive conditions and will be preferred. However, where that is not possible, there will be a requirement for off-site biodiversity mitigation/ enhancements to secure a biodiversity net gain as required by Policy ENV3. This is secured through a biodiversity offsetting scheme. Offsets can be delivered by developers on other land they control and this would be secured through an obligation in a S106 agreement. Where off-site provision is required, this is secured by restrictive condition (requiring a certificate confirming the agreement of an Offsetting Provider to deliver a Biodiversity Offsetting Scheme). The details of biodiversity enhancements would be documented by the Offset Provider and issued to the Council for their records.



- 4.66 In some circumstances where specific mitigation or compensation is required to make a development scheme acceptable, a separate planning obligation through S106 may also be required.
- 4.67 Policy ENV3 (Biodiversity) states that all development should provide a net gain in biodiversity where possible and that, as a minimum, there should be no net loss of biodiversity. However, the Environment Act 2021, when it comes into effect in November 2023, will supersede this, setting a national minimum figure for 10% biodiversity net gain and making this a mandatory requirement for all development. A net gain should be demonstrated through the use of a recognised Biodiversity Metric, referring to the latest South and Vale Biodiversity Metric Guidance.
- 4.68 Under Policy ENV5 (Green Infrastructure in New Developments), development is expected to contribute towards the provision of additional Green Infrastructure and protect or enhance existing Green Infrastructure. Provision should be designed with regard to the quality standards set out within the South and Vale Green Infrastructure Strategy (2017) or, where relevant, the Didcot Garden Town Delivery Plan.

DEV13 Biodiversity and Green Infrastructure
All development
Biodiversity mitigation and enhancements (plus ongoing monitoring) will be secured by condition and, where appropriate, S106. This can include off-site mitigation and enhancement measures for both the direct and indirect impacts of a development scheme.
All development must deliver a net gain in biodiversity and once the Environment Act 2021 has come into force, this must be at least 10% net gain.
Strategic habitat creation, enhancement and restoration (plus ongoing monitoring) would most appropriately be funded through CIL or, if necessary, S106.
Key relevant Local Plan policies include: STRAT10ii, ENV2, ENV3, ENV4, ENV5, DES1 and CF1. Also, the Environment Act 2021.

Waste and Recycling

- 4.69 Local Plan Policy EP3 (Waste Collection and Recycling) requires development to provide adequate facilities for the sorting, storage and collection of waste and recycling. Sufficient space must also be provided for the storage and collection of individual or communal recycling and refuse containers.

DEV14 Waste and Recycling
Residential
Site related provision of household recycling and waste bins will be secured through S106.
Improvements to or provision of Household Waste & Recycling Centres may be secured through S106.
Key relevant Local Plan policies include: EP3 and DES7.

- 4.70 The Council will seek a financial contribution towards the provision of bins to new properties on sites of 10 or more units through Section 106. On smaller sites of 9 or fewer units, the Council will issue an invoice to the applicant. The costs of providing waste and recycling bins are on the Council’s website.
- 4.71 Oxfordshire County Council is responsible for providing Household Waste Recycling Centres (HWRCs) for residents to deposit household materials that are not usually collected at the kerbside. HWRCs aim to maximise waste reduction, reuse and recycling and support the circular economy. The County Council will require developers to mitigate the impact of their development on HWRC facilities by contributing towards the cost of improving or providing a new HWRC site that will serve the development.



Air Quality

- 4.72 Local Plan Policy EP1 states that, where a development has a negative impact on air quality (including cumulative impact), developers should identify mitigation measures that will sufficiently minimise emissions from the development. Mitigation will be required on-site, however, where that is not sufficient, the impacts should be offset through planning obligations. Funding arising from offsetting (calculated by means of the damage cost approach outlined in the Council’s Air Quality Developer Guidance) will contribute towards the provision of measures included in the Council’s Air Quality Action Plan, designed to improve local and wider air quality.
- 4.73 There are three Air Quality Management Areas (in Wallingford, Henley and Watlington) where, due to traffic issues, nitrogen dioxide levels exceed the objectives set by European and UK regulations. More information on the AQMAs can be found on the Council’s website.⁵ There is also an AQMA in place covering the whole of Oxford City. Further information can be found on the Oxford City Council website.⁶

DEV15 Air Quality
All development
Mitigation measures (required directly as a result of a specific development and cumulative impacts) and wider Air Quality Measures associated with development will be secured through S106.
Key relevant Local Plan policies include: TRANS5, EP1, ENV11, ENV12 and DES7.

- 4.74 For developments which are likely to have an impact on air quality, an air quality assessment will need to be submitted as part of the planning application. The overall aim of an air quality assessment is to determine whether the development will have a significant impact on air quality or whether the existing air quality environment is unacceptable for the proposed development. It will identify likely impacts on air quality and the need for additional monitoring. Further information on the methodology for preparing air quality assessments can be found in the Council’s Air Quality Developer Guidance

⁵ <https://www.southoxon.gov.uk/south-oxfordshire-district-council/environment-and-neighbourhood-issues/air-quality-2/air-quality>

⁶ https://www.oxford.gov.uk/info/20216/air_quality_management/206/air_quality_management_in_oxford/3

4.75 Local Plan policy TRANS5 requires proposals for all types of development to be designed to enable the charging of plug-in and low emission vehicles to provide facilities to support the take up of electric and/or low emission vehicles. The District Council has also signed up to the Oxfordshire Electric Vehicle Infrastructure Strategy, which states that each Oxfordshire district should set standards for EV charging points in new developments that meet, or exceed, those set out below:

- Where parking is to be provided, planning permission will only be granted for developments if:
 - Provision is made for EV charging points for each residential unit with an allocated parking space; and
 - Non-allocated spaces are provided with at least 25% (with a minimum of 2) having electric charging points installed.
- Planning permission will only be granted for non-residential development that includes parking spaces, if a minimum of 25% of the spaces are provided with electric charging points.



Flood Protection and Water Management

- 4.76 Section 14 of the NPPF deals with the challenges of climate change, flooding and coastal change. It states that planning authorities should adopt proactive strategies to mitigate and adapt to climate change, taking full account of flood risk, coastal change and water supply and demand considerations.
- 4.77 Local Plan policy EP4 requires new development on sites over 1 hectare in Flood Zone 1, plus all new development in Flood Zones 2 and 3, to provide a site specific Flood Risk Assessment (FRA). All development will be required to provide a Drainage Strategy and to incorporate Sustainable Drainage Systems.

DEV16 Flood Protection
All development
Provision and maintenance of off-site flood protection and water management, i.e. Sustainable Drainage Systems (SuDS), will be secured through conditions and S106.
Key relevant Local Plan policies include: EP4, DES1 and DES7.

- 4.78 The flood risk measures required to mitigate a development proposal should be managed on-site by way of planning obligation or condition. In some circumstances, a Section 106 agreement may be needed for on and/or off-site measures. These may cover design and maintenance of sustainable drainage systems or flood management features. The Council will expect any flood management measures to be in place prior to occupation of the development.
- 4.79 Potential flooding and pollution risks from surface water can be decreased by reducing the volume and rate of water entering the sewerage system and watercourses. SuDS seek to manage surface water as close to its source as possible and mimic surface water flows arising from a site prior to its development.
- 4.80 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. Developers should, therefore, liaise with the County Council (as lead local flood authority) and the District Council at an early stage to discuss options for an appropriate and sustainable approach to site drainage. Full details of the proposed SuDS and/or how the proposed

development meets the County Council's Flood Risk Management Strategy is required as part of the planning application.

- 4.81 When planning a sustainable drainage system, developers need to ensure their design allows for maintenance of the system, so that it continues to provide effective drainage for the development. A poorly maintained system can increase flood risk rather than reduce it. Developers need to make arrangements for the future maintenance of sustainable drainage systems. SuDS associated with adopted highway provision will be dealt with under S278 and S38 of the Highways Act 1980.

- 4.82 All drainage should be designed in accordance with Oxfordshire County Council and District Council local standards as well as comply with the non-statutory technical standards for sustainable drainage and Sewerage Sector Guidance approved documents. To secure suitable future maintenance arrangements, all drainage eligible for adoption, must be offered for adoption under S104 of the Water Industry Act to the statutory water authority covering the district, with a suitable proposed S104 agreement plan provided prior to commencement of the development. A copy of the associated technical approval certificate and signed adoption agreement should be provided to the District Council prior to first occupation.



Waste Water

- 4.83 Local Plan policy INF4 (Water Resources) requires all new development to demonstrate that there is, or will be, adequate water supply, surface water drainage, foul drainage and sewerage treatment capacity (both on and off-site) to serve the whole development.
- 4.84 There are known capacity issues with waste water treatment in the district as evidenced in the Water Cycle Study (2017) and Local Plan Water Cycle Study Update (November 2018). The Infrastructure Delivery Plan identifies those strategic sites where Thames Water has indicated that works are required to facilitate development.
- 4.85 Necessary improvements to sewerage water treatment infrastructure will be programmed by the water companies and need to be completed prior to occupation of the development. To ensure timely housing delivery, developers will be expected to engage with the water authority to agree a housing and infrastructure delivery plan to ensure that development does not outpace the delivery of off-site infrastructure. This is usually secured by condition.
- 4.86 All drainage should be designed in accordance with the Sewerage Sector Guidance approved documents. To secure suitable future maintenance arrangements, all drainage eligible for adoption must be offered for adoption (under Section 104 of the Water Industry Act) to the statutory water authority covering the district, with a suitable S104 agreement plan provided prior to commencement of the development. A copy of the associated technical approval certificate and signed adoption agreement should be provided to the District Council prior to first occupation.

UTILITIES

- 4.87 With regard to utilities including electricity, water and broadband provision, the developer will need to work closely with relevant providers to ensure adequate capacity to serve the development. 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 that its provision has been planned for at the early the stages of the development. The developer should liaise with utility providers at an early stage (pre-application) to identify any capacity issues and how to overcome these.

- 4.88 Developers need to consider the net increase in water and waste water demand to serve their developments and also any impact the development may have off-site or further down the network, if no/low water pressure and internal/external sewage flooding of property is to be avoided. Thames Water encourages developers to use their free pre-planning service. This service can tell developers at an early stage if there will be capacity in Thames Water and/ or waste water networks to serve their development, or what they will do if there is not. The developer can then submit this communication as evidence to support a planning application and Thames Water can prepare to serve the new development at the point of need, helping avoid delays to housing delivery programmes.

STREET NAMING

- 4.89 South Oxfordshire District Council is the Street Naming and Numbering authority for this district and carries out these functions under the provisions of the Oxfordshire Act 1985. For new development (of 10 dwellings and above) that requires new street names and street nameplates, the Council will seek financial contributions for street naming and the provision of street nameplates through Section 106. The costs of street naming are on the Council’s website.

DEV17 Street Naming
Residential
Contributions towards street naming and numbering will be funded through S106.
Key relevant Local Plan policy: INF1.

5. MANAGEMENT AND MAINTENANCE OF INFRASTRUCTURE

OPEN SPACE

- 5.1 On-site infrastructure may comprise open space, sport and recreation facilities, play areas, green infrastructure, allotments, public art and community centre/ halls etc. The laying out and maintenance and management of the infrastructure is the responsibility of the developer, who will be required to demonstrate that satisfactory provision for indefinite future maintenance has been made.
- 5.2 Where the District Council or local town/parish council has expressed an interest in managing the open space and other facilities or on-site infrastructure, the Council will explore this option with the applicant and town/parish council, to ensure that satisfactory long term maintenance is met and provided for, including a commuted sum for the long term maintenance. In the case of open space, this should cover a 20 year period and appropriate fees will be set out in the Council's Fees and Charges Schedule, updated annually and displayed on our website. We recognise that each site will have unique proposals and the fees could vary from site to site.
- 5.3 In instances where the open space is to be transferred to the District or a town or parish council, the S106 agreement will allow for the town/parish council to be offered the option of taking the land or facility and to have a set period in which to consider, usually 3 months. If the town/parish council accepts the transfer, there must be opportunity for the town/parish council to inspect the ongoing works. Once open space is completed, the Council and/or the town/parish council will be required to check the completed works, involving relevant expertise, before accepting the transfer. If necessary, the developer will be required to fund the procurement of the relevant expertise. The land or facility should be transferred upon completion, together with the commuted sum. The Council will consider the merits of each case as to whether a direct transfer and payment to the town/parish council can be made or should come to the District Council initially. If the transfer / payment is direct to the town/parish, the developer shall provide evidence of the transfer and payment to the Council within 1 week of the transactions.
- 5.4 The Council will take a flexible approach to finding the appropriate option for ongoing management and maintenance of open space and facilities. Other options could include the land being owned by another organisation (e.g. a Management Company or other body with long-term stewardship goals, such as

a development specific organisation or community/land trust). Alternatively, in appropriate circumstances, the District Council could consider taking ownership of the land and leasing it to the town or parish council or another organisation, with a commuted sum being released on an annual basis.

- 5.5 If the land is not to be transferred to a third party management body, the applicant will need to demonstrate how the open space will be managed and funded, usually through the creation of a management company including the allocation of funds to the management company to cover a 20 year maintenance and management period. The developer may need to consider service charges for new residents. However, affordable housing will be exempt from such charges (or charges shall be capped) and this will be specified in the S106 agreement. Where the third party body is a Management Company, the principal objective of the Management Company shall be providing for the maintenance of the Public Open Space / Facility. The management company shall also be limited by shares or by guarantee and membership shall be restricted, for instance to the Owner, the Developer, the transferees or lessees of General Market Housing Units and Shared Ownership Units, the Registered Provider and Town or Parish Council. The District Council and town or parish council shall be advised of the contact details of the management company and these details also displayed at the site. Any change in ownership / contact details shall be notified to the District Council and the sign / town or parish council updated.
- 5.6 In some circumstances, the Council may seek a commuted sum for the management of off-site infrastructure. This would apply, for instance, in cases where off-site provision is agreed in lieu of on-site facilities.

BUILDINGS

- 5.7 The Council will need to establish the future ownership and management of community buildings that are provided as part of a new development. The facility should be offered to the District Council, town/parish council or a relevant organisation (such as a sports club) in the first instance or fall back to a management company if the option is not taken up.
- 5.8 Where community buildings are provided, the Council will require certain safeguards to ensure the building is built in accordance with relevant standards, including those on energy performance. The buildings will often need to be provided to a specification beyond usual building control standards, e.g. in

accordance with Sport England or other governing bodies standards. Sufficient funds will be secured through the S106 for the Council to employ a relevant expert with liability insurance to advise on these matters. The Council will seek the following type of information:

- 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
- a commitment that all defects and omissions are remedied 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

5.9 Financial contributions will be sought for reviewing, delivery, sign-off and monitoring of proposals and plans.

5.10 In addition, the Council may require a bond or another form of guarantee to ensure the facility is implemented as agreed. Should it be determined that the Council is required to undertake this function, sufficient funds should be secured in the S106 agreement to cover the costs of appointing external expertise with the necessary insurances in place.

5.11 The Council will require specifications as part of the S106 and planning process and the Infrastructure and Development team will be part of any discussions around including community facilities in new agreements.

PUBLIC ART

- 5.12 Where public art remains in private ownership, the provision will be secured by condition. If the ownership of on-site art features is to pass to anyone other than the site owner/developer, the provision (including management) will be secured through S106 and the Council 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

- 5.13 Post installation equipped play areas will be subject to a post installation RoSPA inspection, which must be supplied to the Council. An inspection regime must be incorporated in the management and maintenance plan.
- 5.14 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 standard inspections. The management shall include arrangements for litter picking, dog waste clearance, dog waste and general waste collection.

SPORTS PITCHES

- 5.15 Where new sports pitches are to be provided on-site, the Council will require a detailed specification, including drainage works and where appropriate services, to be submitted at full or reserved matters stages. A programme of works and funding for an agronomist (who will check the specification, inspect site works, inspect and agree practical completion and provide advice on future maintenance requirements), will be secured by S106 agreement. The developer will be required to remedy defects arising within the first year of use, based on the agronomist's report and will also be required to pay a maintenance sum to cover a period of at least 10 years.



6. SELF-BUILD AND CUSTOM-BUILD HOUSING

- 6.1 The CIL Regulations 2010 (as amended) introduced an exemption from paying CIL for self-build and custom-build dwellings, subject to compliance with necessary processes and requirements set out in the Regulations. Such development is, however, still liable for S106 developer contributions (as set out in this SPD). The Council may also require obligations in a S106 agreement for self or custom-build housing to require that the Council is notified in the event where self or custom-build plots are not taken up. Dwellings constructed and sold in a conventional way by housebuilders will be liable for CIL.
- 6.2 The CIL Regulations state that commencement of development triggers payment of CIL and that any application for self-build exemption from CIL must be made prior to commencement by the person assuming liability for each plot. Consequently, applicants for development comprising multiple self or custom-build plots should apply for a 'phased' planning permission, which would allow each plot to be a separate chargeable development. This would prevent the CIL charge being triggered for all the plots within the wider development, as soon as development commences on the first plot. Each self-builder should apply for their CIL exemption before they commence works on their plot. Where necessary infrastructure works are intended to be undertaken first (e.g. access, utilities) in order to enable the plots to be made available as serviced plots, a phased permission, with the first phase being the enabling works, would allow this enabling work to take place without triggering CIL liability for the wider site. It can also ensure that, if a disqualifying event for CIL exemption occurs affecting one unit, it does not trigger a requirement for all plots to pay CIL. Under CIL Regulation 8(3A), schemes can be 'phased' for CIL purposes for both detailed and outline applications. For multiple plot self and custom-build schemes, the phasing should be set out in the planning permission or secured through a pre-commencement condition.

7. NEGOTIATION AND ADMINISTRATION OF PLANNING OBLIGATIONS

APPROACH TO NEGOTIATING PLANNING OBLIGATIONS

- 7.1 Applicants will be expected to enter into pre-application discussions prior to submitting planning applications. The provision of infrastructure and affordable housing and the mechanisms to secure infrastructure will be part of these discussions. These pre-application discussions should help to identify any issues and assist in ensuring that the Council can determine applications without unnecessary delays. We encourage developers to discuss their proposals with the local community, local councillors and the relevant town or parish council and to engage with utility providers and stakeholders.
- 7.2 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. 'Heads of Terms' for the S106 agreement must be agreed prior to recommendation on the planning application. Further information on the Council's approach to negotiating planning obligations is set out in Appendix 2.

VIABILITY AND DELIVERABILITY

- 7.3 The Council expects development to be delivered in accordance with the policies of the Development Plan and NPPF, including the policies for affordable housing, infrastructure and place making requirements. The growth objectives and policies to create sustainable developments set out in the Local Plan and the Community Infrastructure Levy have been tested for viability and deliverability. This is a strong foundation for delivering plan led growth in the South Oxfordshire District.
- 7.4 Infrastructure provision, including affordable housing provision, is a necessary cost that needs to be factored into overall development costs. Similarly, clear up costs arising from previous uses need to be included in development cost calculations. For those sites allocated in the Local Plan, viability will have already been considered through the formal Local Plan preparation process and associated infrastructure requirements will have been included in the Council's Infrastructure Delivery Plan. It is, therefore, expected that identified affordable housing and infrastructure requirements will not be challenged once

development proposals reach the stage of a planning application. Government's Planning Practice Guidance (PPG) states that viability assessments should not normally be required for individual development schemes. However, any viability assessment undertaken will need to be based on the requirements of the NPPF and PPG. In all cases, land value should reflect policy, S106 and CIL (in accordance with latest RICS guidance, provide a competitive return to willing developers and land owners and be informed by comparable, market-based evidence, wherever possible (but where transacted bids are significantly above the market norm they should not be used).

DEFINITION OF LAND VALUE

- 7.5 To define land value for any viability assessment, a benchmark land value should be established on the basis of the existing use value (EUV) of the land, plus a premium for the landowner. The premium for the landowner should reflect the minimum return at which it is considered a reasonable landowner would be willing to sell their land. The premium should provide a reasonable incentive, in comparison with other options available, for the landowner to sell land for development while allowing a sufficient contribution to fully comply with Development Plan policy requirements. Landowners and site purchasers should consider policy requirements when agreeing land transactions. This approach is often called 'existing use value plus' (EUV+).
- 7.6 The land value should also reflect the requirements to meet policy and infrastructure provision and known abnormal costs. For major development sites where there are exceptional circumstances (and abnormal costs could not reasonably have been foreseen) and where the applicant considers that the proposed development cannot viably support the Council's policy requirements and other identified needs, the Council will require the applicant to submit an open book viability assessment. The viability assessment should clearly explain why the development cannot bear the requirements of the Development Plan, which has been viability tested, and specify what has changed since the plan was adopted. It should identify and justify what affordable housing and infrastructure can be delivered as part of the development and when. The Council will need to independently assess the viability assessment and the developer will fund the costs of this independent review. Each viability assessment is publicly available to view in the relevant planning application file on the Council's website.

OPEN BOOK APPROACH

- 7.7 The assessment will be an ‘open book’ viability assessment. The developer will be required to pay for the District and County Councils’ independent review of the viability assessment. The results of this review will then be considered as a material consideration in the assessment of the development proposal. Where it has been demonstrated that infrastructure requirements could render the development unviable, the Council will prioritise the needs for developer contributions for essential infrastructure/ affordable housing and/or use an appropriate mechanism to defer part of the developer’s required contribution to a later date. As a last resort, if the development cannot meet policy requirements for affordable housing or provide the necessary infrastructure to ensure a sustainable development in line with the wider objectives of the Local Plan, planning permission will be refused.

LEGAL, ADMINISTRATION AND MONITORING

- 7.8 The District and County Councils will require their 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. Both Councils’ solicitors will negotiate legal fees on a case by case basis. The District/ County Council will provide the first draft of the legal agreement.
- 7.9 The Council also needs to administer and monitor the provisions of a planning obligation and will require the applicant/developer to bear the cost of monitoring S106 agreements. There will be no charge to monitor the agreement where the applicant pays upfront all the contributions with a unilateral undertaking. However, a fee may be required in relation to the drafting and receipt of monies. The County Council will similarly require its administration and monitoring costs of developments to be met by the applicant/developer. Costs are available on the Council’s website.



INTEREST ON LATE PAYMENT AND ENFORCEMENT

- 7.10 Trigger points, including triggers for payments, will vary for each individual obligation within the Section 106 agreement. The developer is bound in each Section 106 agreement to notify the District and County Councils of certain trigger points, including commencement of the development. Where the Councils are not notified and obligations become overdue, they will seek to enforce the obligation and will activate the default interest clause. A clause included in the Section 106 agreement will encourage prompt payment by inserting a provision for payment of interest at a default rate where payments are overdue. Most Section 106 agreements will also include a clause stating that £500 will be charged for each site inspection that either the District Council and/or the County Council is required to undertake in order to check the number of dwelling occupancies, in instances where the developer has failed to update the Council of a trigger being reached. Non-financial obligations are also legally binding. As a final recourse, where obligations are not subsequently enforced, the District Council and/or the County Council will take legal action against those in breach of a Section 106 agreement.

INDEXATION

- 7.11 Financial contributions are based upon the costs of infrastructure or services. Financial contributions will be indexed to ensure that they retain their original 'real value'. The base date and base value of the indexation will be stipulated when costs are prepared. An appropriate index will be used for the type of infrastructure or services sought.

BONDS

- 7.12 Section 106 agreements often require the payment of deferred financial contributions, which are triggered after the implementation of the corresponding development. As these financial contributions have been identified as necessary to allow the development to proceed, it is reasonable for the council to take steps to secure their payment in the event of unforeseen circumstances resulting in the under/non-payment of the obligations and, in certain circumstances, a bond will be required. In addition, a development may require the direct delivery of a facility of substantial value (such as a school or library) and, in such circumstances, a bond will be required to ensure the facility will be delivered. Consequently, the District and/or County Council may require appropriate security, in the form of a bond, to be provided by the developer and this requirement will initially be identified in the advice from the Council following the submission of a planning application.

8. APPENDICES

APPENDIX 1 – SUMMARY TABLE OF KEY RELEVANT LOCAL PLAN POLICIES

South Oxfordshire Local Plan 2035

Infrastructure provision

INF1 (Infrastructure Provision)

STRAT2 (South Oxfordshire Housing and Employment Requirements)

STRAT3 (Didcot Garden Town)

STRAT4 (Strategic Development)

STRAT7 (Land at Chalgrove Airfield)

STRAT8 (Culham Science Centre)

STRAT9 (Land adjacent to Culham Science Centre)

STRAT10 (Berinsfield Garden Village)

STRAT10i (Land at Berinsfield Garden Village)

STRAT10ii (Berinsfield Local Green Space)

STRAT11 (Land South of Grenoble Road)

STRAT12 (Land at Northfield)

STRAT13 (Land North of Bayswater Brook)

STRAT14 (Land at Wheatley Campus, Oxford Brookes University)

H2 (New Housing in Didcot)

H3 (Housing in the Towns of Henley-on-Thames, Thame and Wallingford)

H4 (Housing in the Larger Villages)

H5 (Land to the West of Priest Close, Nettlebed)

H6 (Joyce Grove, Nettlebed)

H7 (Land to the South and West of Nettlebed Service Station)

DES4 (Masterplans for Allocated Sites and Major Development)

Affordable housing

H9 (Affordable Housing)

H10 (Exception Sites and Entry Level Housing Schemes)

H11 (Housing Mix)

Transport

TRANS1b (Supporting Strategic Transport Investment)

TRANS2 (Promoting Sustainable Transport and Accessibility)

TRANS3 (Safeguarding of Land for Strategic Transport Schemes)

TRANS4 (Transport Assessments, Transport Statements and Travel Plans)

TRANS5 (Consideration of Development Proposals)

Indoor and outdoor recreation and sports facilities

CF1 (Safeguarding Community Facilities)

CF3 (New Open Space, Sport and Recreation Facilities)

CF4 (Existing Open Space, Sport and Recreation Facilities)

CF5 (Open Space, Sport and Recreation in New Residential Development)

Open space (including play areas)

CF3 (New Open Space, Sport and Recreation Facilities)

CF4 (Existing Open Space, Sport and Recreation Facilities)

CF5 (Open Space, Sport and Recreation in New Residential Development)

DES5 (Outdoor Amenity Space)

Allotments

CF5 (Open Space, Sport and Recreation in New Residential Development)

Social and community facilities

INF1 (Infrastructure Provision)

CF1 (Safeguarding Community Facilities)

Health care

DES4 (Masterplans for Allocated Sites and Major Development)

H13 (Specialist Housing for Older People)

Public realm, arts and heritage

DES1 (Delivering High Quality Development)

DES2 (Enhancing Local Character)

DES4 (Masterplans for Allocated Sites and Major Development)

ENV6 (Historic Environment)

ENV7 (Listed Buildings)

ENV8 (Conservation Areas)

ENV9 (Archaeology and Scheduled Monuments)

ENV10 (Historic Battlefields, Registered Parks and Gardens and Historic Landscapes)

Local employment, skills and training

STRAT1 (Overall Strategy)

STRAT3 (Didcot Garden Town)

STRAT4 (Strategic Development)

Biodiversity & green infrastructure

STRAT10ii (Berinsfield Local Green Space)

ENV2 (Biodiversity – Designated Sites, Priority Habitats and Species)

ENV3 (Biodiversity)

ENV4 (Watercourses)

ENV5 (Green Infrastructure in New Developments)

DES1 (Delivering High Quality Development)

CF1 (Safeguarding Community Facilities)

Waste and recycling facilities

EP3 (Waste Collection and Recycling)

DES7 (Efficient Use of Resources)

Air quality

ENV11 (Pollution – Impact from Existing and/or Previous Land Uses on New Development (Potential Receptors of Pollution))

ENV12 (Pollution – Impact of Development on Human Health, the Natural Environment and/or Local Amenity (Potential Sources of Pollution))

TRANS5 (Consideration of Development Proposals)

EP1 (Air Quality)

DES7 (Efficient Use of Resources)

Climate change mitigation

DES7 (Efficient Use of Resources)

DES8 (Promoting Sustainable Design)

DES10 (Carbon Reduction)

Flood Protection, water resources & sustainable drainage systems

EP4 (Flood Risk)

DES1 (Delivering High Quality Development)

DES7 (Efficient Use of Resources)

Utilities

INF2 (Electronic Communications)

INF4 (Water Resources)

DES7 (Efficient Use of Resources)

APPENDIX 2 – APPROACH TO NEGOTIATING PLANNING OBLIGATIONS

The Council will negotiate planning obligations on the following basis:

1. Developers of large or complex sites will enter into pre-application discussions with the District Council and infrastructure providers and consultation with town or parish councils will be encouraged. This will include draft S106/S278 agreements or detailed Heads of Terms addressing the requirements that cannot reasonably be addressed by the submission or conditions. The Council highlights the need to engage with all parties involved at an early stage.
2. The District Council and /or the County Council, for large or complex sites, will seek to enter into a planning performance agreement with the applicant.
3. The District Council will, in co-operation with the County Council and other bodies (including town or parish councils), identify the impacts expected to arise from development proposals on infrastructure such as transportation, highway works, schools and libraries. The need for planning obligations should be identified as early in the application process as possible.
4. On sites where social and community facilities will be secured through Section 106, the District Council will discuss with internal services, relevant sporting bodies, the local parish or town council and councillors on the need and type of infrastructure, relating to outdoor recreation and sports facilities, play areas and community facilities. Neighbourhood Plans and Community Led Plans will help identify the need for necessary infrastructure.
5. Where the need arises for provision and/or contributions for services not administered by the District Council, it will work with the County Council and other agencies.
6. Where land is to be provided (for example, for a new school), evidence must be provided to show that the land is suitably located and of an appropriate size and shape that is suitable for its intended use.
7. Where the applicant considers that the proposed development cannot viably support the identified infrastructure requirements, they will need to submit an open book viability assessment at the earliest possible opportunity (preferably pre-application).

8. Where an application is made that is part of a wider development area then master planning for the wider site must also be shown, with appropriate landowner agreements shown to be in place, so that infrastructure needs are planned in for the wider area.
9. The developer must demonstrate that they have the necessary control of the land subject to the S106 agreement. Legal fees will be paid by the developer.
10. Detailed draft 'Heads of Terms' for a S106 should be agreed before a planning application is referred to Planning Committee, who will be asked to agree those heads of terms.
11. All parties will need to act efficiently, effectively and reasonably to secure the timely completion of agreements prior to the issuing of any planning permission. If there has been a material change in circumstances (e.g. viability) or infrastructure requirements in the period from resolution to the final draft agreement, the applications and heads of terms may be referred back to the Planning Committee for agreement.
12. The S106 agreement will be prepared and finalised in accordance with the Council's constitution.
13. The legal agreement must be signed before the issue of a planning permission. The absence of a necessary planning obligation may be sufficient for the Council to refuse permission.

APPENDIX 3 – 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
Local Area for Play (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.	Appropriate to community needs. Unique to the development. Taking into account natural features. Integrated within the open space. Accessible to children with disabilities.	5m from 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.
Locally Equipped Area for Play (LEAP)	400 sqm	At least 5 types of play equipment, providing a range of activities ⁸ , avoiding duplication of nearby play facilities. Planting to provide a range of textures, scents and colours. Seating in sun and shade. Litter bins.	Good natural surveillance. Safer surfacing. Generous use of planting. Located where they are of most value to the community to be served.	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 LAP requirements – Post installation RoSPA inspection.

⁸ Running, balancing, sliding, climbing, swinging, crawling and jumping, socialising, playing ball games and being generally active.

Type	Minimum Size	Equipment/Facilities	Design Considerations	Distance from dwellings	Boundary Treatment	Management
Neighbourhood Equipped Area for Play (NEAP)	1000 sqm	At least 8 types of play equipment (as for LEAP above). Minimum activity zone of 1,000m2, with play equipment and structures. Hard surfaced area of 465sqm for five-a-side football and other games. Separation of more adventurous play.		30m from boundary		Inspection regime incorporated in management and maintenance plan. Weekly visual inspections. 3 monthly inspections to a recognised standard.
Youth Provision	N/A	Designed for local needs of older children and young people aged 12 to 18 years. Can include traditional play activities as well as facilities for socializing, shelter, performance, fitness, ball games and wheeled sports. Designed to appeal to a wide range of teenagers, of both sexes, and not be easily dominated by one type of user. Equipment/facilities could include: swings, hammocks, high bars, outdoor gyms, bouldering structures, interactive play structures, more open (less cage-like) multi use hard areas for both wheeled sports and ball games.	Designed as an integral part of public open space design. Should be easily and safely accessed in the evenings. Spaces should be semi-private but be overlooked for ease of informal observation and supervision.			

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. (See also [First Homes](#), a new category of affordable housing introduced in 2021).

In accordance with the NPPF affordable housing is to be met on-site unless: a) off-site provision or an appropriate financial contribution in lieu can be robustly justified; and b) the agreed approach contributes to the objective of creating mixed and balanced communities. Provision of affordable housing should not be sought for residential developments that are not major developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer).

Amenity greenspace: Informal recreation spaces, communal green spaces in and around housing and village greens.

Bond: A surety document provided by an approved third party (e.g. a major bank or insurance company) that can be called on if the developer defaults.

Community Infrastructure Levy (CIL): The Community Infrastructure Levy (CIL) is a charge which can be levied by local authorities on new development in their area to help fund supporting infrastructure. CIL can only be applied in areas where, firstly, a local authority has identified a funding gap to deliver the necessary infrastructure and, secondly, where it has consulted on (and approved) a charging schedule which sets out its CIL charging rates and has published the schedule on its website. South Oxfordshire District Council has taken these steps and operates CIL.

CIL Regulations: CIL Regulations came into force in 2010 and have been amended several times. On the 1st September 2019, the Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019 came into force, removing the requirement for a Regulation 123 List. [Further guidance on CIL](#) can be found on the Gov.UK website.

CIL Charging Schedule: Sets out the CIL charging rates for development types in defined zones across the South Oxfordshire District.

CIL Spending Strategy: The Council's non-statutory CIL Spending Strategy sets out how the spending of CIL funds on infrastructure will be prioritised and administered for the district. It is reviewed annually, in line with Council priorities. In accordance with the CIL Regulations, a proportion of the CIL monies is passed to the local town or parish council. The Spending Strategy also allocates funds to stakeholders such as Oxfordshire County Council and the Oxfordshire Clinical Commissioning Group.

Development Plan: Is defined in section 38 of the Planning and Compulsory Purchase Act 2004, and includes adopted local plans, neighbourhood plans that have been made and published spatial development strategies, together with any regional strategy policies that remain in force. Neighbourhood plans that have been approved at referendum are also part of the development plan, unless the local planning authority decides that the neighbourhood plan should not be made.

First Homes: The government's preferred discounted market tenure which should account for at least 25% of all affordable housing units delivered by developers through planning obligations from June 2021. First Homes are defined as discounted market sale units that:

- a) must be discounted by a minimum of 30% against the market value;
 - b) are sold to a person or persons meeting the First Homes eligibility criteria;
 - c) on their first sale, will have a restriction registered on the title at HM Land Registry to ensure this discount (as a percentage of current market value) and certain other restrictions are passed on at each subsequent title transfer; and
 - d) after the discount has been applied, the first sale must be at a price no higher than £250,000.
-

Infrastructure: Service provision, physical infrastructure and amenity.

Intermediate housing: Homes for sale and rent provided at a cost above social rent, but below market levels, subject to the criteria under the Affordable Housing definition in Annex 2 of the NPPF. These can include shared equity (shared ownership and equity loans) and other low cost homes for sale and intermediate rent, but not affordable rented housing.

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

Locally Equipped Area for Play (LEAP): Unsupervised play area equipped for children of early school age.

Local Plan: A plan for the future development of a local area, drawn up by the local planning authority in consultation with the community. In law this is described as the development plan documents adopted under the Planning and Compulsory Purchase Act 2004. A local plan can consist of either strategic or non-strategic policies, or a combination of both.

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

Natural and semi-natural greenspaces: Woodland, scrub, grassland, wetlands, open and running water and open access land.

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

Parks and gardens: Formal green spaces including urban parks, country parks, forest parks and formal gardens.

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

Planning contributions (also known as developer or Section 106 contributions): Contributions which are, prior to the determination of a planning application, considered necessary to be paid to the local planning authorities in order to mitigate the impacts of development and to make the development acceptable in planning terms.

Planning obligation: Legal agreement between a planning authority and a developer, or undertaking offered unilaterally by a developer, which ensures that planning contributions and/or works related to a development are undertaken (for example, the provision of highways). Sometimes called Section 106 agreements.

Public art: This is complementary to good urban and building design, as part of social investment in new housing, community facilities and public spaces. Public art can be anything physical, that is made by a professional artist or crafts person, is bespoke and of high quality. Public art can be a stand-alone work of art (a sculpture or statue) or other artistic representation that is included or integrated within street furniture, paving, hard and soft landscaping or architectural detailing.

Public realm: The term ‘public realm’ is often used loosely (and sometimes interchangeably) with ‘public domain’, to refer to publicly accessible built environments that encompass: all streets, squares, and other rights of way, whether predominantly in residential, commercial or civic uses. This includes squares, streets, lanes, pavements, all the surfacing, furniture and fixings and other elements that are provided for common use (such as lighting, street furniture, telephone kiosks, post boxes, railings, signage, nameplates, shelters, line painting, trees and planting). Together, these elements make up the public streetscape and, over time, contribute to the sense of place and heritage.

Residential: For the purposes of this document, the term ‘residential’ includes student accommodation, houses in multiple occupation (HMOs), age restricted and sheltered housing, extra-care, nursing and care homes.

Section 38 of the Highways Act 1980: Relates to the adoption of roads within a development site and who is responsible for their future maintenance.

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/landowner, 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.

Self-build and custom-build housing: Defined in the Self-Build and Custom Housebuilding Act 2015 (as amended by the Housing and Planning Act 2016), “self-build and custom housebuilding” means the building or completion by individuals, associations of individual, or persons working with or for them, of houses to be occupied as homes by those individuals. But it does not include the building of a house on a plot acquired from a person who builds the house wholly or mainly to plans or specifications decided or offered by that person. In interpreting the definition above, the Act also sets out that: ‘home’, in relation to an individual, means the individual’s sole or main residence; ‘completion’ does not include anything that falls outside the definition of ‘building operations’ in section 55(1A) of the Town and Country Planning Act 1990.

Supplementary Planning Document (SPD): Provides supplementary information in respect of the policies in Development Plan Documents. It can constitute a material planning consideration but does not form part of the development plan and is not subject to independent examination.

Sustainable transport modes: Any efficient, safe and accessible means of transport with overall low impact on the environment, including walking and cycling, low and ultra-low emission vehicles, car sharing and public transport.

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.



Listening Learning Leading

Alternative formats of this publication are available on request. These include large print, Braille, audio, email, easy read and alternative languages.

Please contact Planning Policy on
01235 422600

