

Appendix 2 - Consultation responses to draft S106 SPD

							SODC Response
1	Ms Sharon Jenkins	Natural England				While we welcome this opportunity to give our views, the specific topic of the Supplementary Planning Document does not relate to our remit to any significant extent. Therefore on this occasion we do not wish to provide specific comments.	Comments noted
2	Martin Small	Principal Adviser (Historic Environment Planning) Historic England			We note that there is not reference in the Draft SPD to heritage. The Community Infrastructure Levy covers a wide definition of infrastructure including conservation area appraisals and management plans, 'in kind' payments, including land transfers (which could include the transfer of an 'at risk' building) and repairs and improvements to and the maintenance of heritage assets where they are an infrastructure item as defined by the Planning Act 2008. Historic England would therefore like to see a reference to heritage "infrastructure" in the SPD. As regards the SEA screening statement, we agree with the Council's conclusions that an SEA of the Section 106 SPD is not required.		In terms of securing monies towards development specific for funding improvements to and the mitigation of adverse impacts on the historic environment, such as archaeological investigation, access and interpretation and the repair and re-use of building or other heritage assets a new paragraph has been added under the heading public realm and S106 obligations have been linked to table 2. Contributions will be sought towards the heritage infrastructure where an impact is directly linked as a consequence of a development site and requires mitigation.
3	Mr Chris Gaskell	Scottish and Southern Energy Power Distribution (SSE)			I refer to your message below in respect of the above topic and I can confirm that, at this present time, I have no comments to make.		Comments noted
4	Mr Simon Dackombe	Thames Valley Police			TVP suggest that specific recognition is given to TVP as the key infrastructure provider with regard to the delivery of Community Safety. We would also like recognition that the delivery of developer contributions towards the provision of Community Safety infrastructure is not solely to be delivered by CIL. TVP have made a number of submissions to SODC with regard to our infrastructure requirements and these are recognised in the latest version of your Infrastructure Delivery Plan. Included in these submissions have been a need for the delivery of on-site Police Facilities on some of the strategic development sites. These are required to provide a visible police presence in these new communities but also provide an opportunity for officers to engage with the community, work alongside other partners and carry out tasks that otherwise would be required to take place at a main Police station (thus impacting on visibility). These facilities would be provided on site by the developer and secured as part of a S106 Agreement. TVP therefore would request the following amendments to the Draft SPD; Generally " All references to Community Safety to be reworded as Community Safety and Policing Table 2 be amended to provide a new entry alongside the S106 Column against Community Safety and Policing		Agreed - Reference to ' <u>and policing</u> ' has been added and a new entry was added in Table 2 in relation to <u>on and off site provision for community safety and policing to serve development at the strategic sites.</u>
4.1					Sec 15 to be reworded as follows - 15 Community Safety and Policing Improvements to community safety and Policing will be funded through CIL and S106 Agreements where appropriate - 15.1 Policy CSQ3 of the Core Strategy and policy D6 of the Local Plan promote measures to reduce opportunities for crime and the need to create safe towns and villages. Reducing the fear of crime is one of the aims of the South Oxfordshire Community Strategy5. - 15.2 Thames Valley Police are responsible for the delivery of Policing in the area. The additional growth planned in the area will lead to an additional demand on their existing resources and accordingly there will be a need to deliver additional infrastructure to mitigate this impact. - 15.3 Items of infrastructure such as Police Vehicles, ANPR Cameras, IT equipment and adaptations/extensions to existing Police Stations will be funded in part through CIL contributions. However where there is a requirement for an on-site Police Facility, more likely on the larger urban extensions, this will be secured via a S106 Agreement		Agreed - section 15 has been amended and the following paragraph added: <u>15.2 Thames Valley Police are responsible for the delivery of Policing in the area. The additional growth planned in the area will lead to an additional demand on their existing resources and accordingly there will be a need to deliver additional infrastructure to mitigate this impact.</u>
5	Ms Carmelle Belle	Thames Water Property Services			The provision of sewerage/waste water and water infrastructure is essential to any development. The Council recognition of this within their Draft Section 106 SPD is supported and we have the following comments on the consultation document: Thames Water would like to support paragraph 20.3 and its reference to the need for developers to demonstrate that there is adequate water supply, surface water drainage, foul drainage and sewerage treatment capacity both on and off site to service their development.		Comments noted
6	Patrick Blake	Assistant Asset Manager Highways England				Thank you for your email notifying us of the forthcoming consultation for the Draft Section 106 Supplementary Planning Document. Please note that from 1 April 2015, we became Highways England, a government owned company. Highways England's role is to operate, maintain and modernise the strategic road network (SRN) in line with the Roads Investment Strategy, reflecting public interest and to provide effective stewardship of the network's long term operation and integrity. For South Oxfordshire District Council this relates to the A34. We have reviewed the consultation and have no comment at this time.	Comments noted

7		Clinical Commissioning Group Chiltern (CCG)			Chiltern CCG is not in favour of an either/or process regarding CIL and planning obligations without much clearer guidance on which will be used when. Some developments may require aspects of both from a health point of view. For example, a development with 500 homes, 100 retirement homes and a 50 bed nursing home might require a GP surgery financed from s106 and directed obligation to provide a proportion of the nursing beds as affordable beds (analogous to affordable housing) available to health and social care at nationally benchmarked per diem costs. Furthermore, if the process does become either/or it is not clear to me how much voice health will have in which tool is selected for any particular development.		The S106 Planning Obligations SPD sets out the council's approach to securing funding for GP surgeries. Site related provision/extension to GP surgeries associated with development at strategic sites will be secured through S106 as these sites have been excluded from CIL. Other development sites will be contributing to health services by the levy. The council has been/and will be working with key stakeholders (including the Chiltern CCG) to agree appropriate processes.
8	Ms Linda Collison	Parish Clerk Rotherfield Peppard Parish Council			Rotherfield Peppard Parish Council reviewed this document at its meeting on Monday 9th November 2015 and has no objections.	Rotherfield Peppard Parish Council reviewed this document at its meeting on Monday 9th November 2015 and has no objections.	Comments noted
9	Ms Helen Stewart	Thame Town Council				Thank you for the opportunity to respond to the consultation on the Draft Section 106 Supplementary Planning Document. The document was reviewed at the Planning & Environment Committee meeting of Thame Town Council on 10 November 2015. The Town Council confirms that the recommendations are sensible and acceptable.	Comments noted
10	Ms k Tynan	Swyncombe Parish Council				Swyncombe Parish Council have no comments to make on this.	Comments noted
11	Cath Adams	Henley Town Council				Thank you for the opportunity to review the above document. Henley Town Council has no comments to make on the draft documentation.	Comments noted
12	Mrs Ann Pritchard	Chalgrove Parish Council			The charges to developers should not limit the viability of a scheme or bring into question the viability to provide affordable housing. I agree with the allocation of 106 money as stated in the draft, to provide necessary infrastructure for the actual site. I cannot comment on actual amounts charged and how they are assessed.	No	Comments noted
13	Dr Susan Nodder	Watchfield Parish Council, Vale of White Horse			Under CIL the strategic and local provision of sports and leisure facilities have been lumped together. As the developments are local, the CIL should be earmarked for local facilities, not vicinity or district wide. Only when the parish/town has declined the use of the leisure CIL money should it be offered to wider facilities. There should be a separate category/payment towards centralised facilities such as larger leisure centre and pools.		The Government introduced changes of how planning authorities can pool financial contributions and the preferred mechanism is the Community Infrastructure Levy. Planning obligations will still continue to be used on individual sites (incl. the strategic sites) to mitigate the direct impact of a proposed development.
13.1					The site related provision of open spaces does not relate to 'new' spaces and so does not ensure the provision of adequate space for new and existing residents. This should not be allowed to simply improve exiting spaces for new and existing residents. More and more people using the same space is not the same as providing additional open spaces.		The council will expect a minimum provision of 10 sqm per person or 10% of a site (whichever is greater) as 'new' open space.
13.2					The CIL charging structure for strategic habitat creation does not allow for specialist and thus more expensive provision of individual sites where permission has been marginal dependent on species/habitat factors.		Where mitigation for the ecological impacts of a development can be achieved on site this is generally secured by condition. Where mitigation cannot be achieved on site contributions towards off site habitat creation schemes are secured through S106.
13.3					The flat rate CIL does not allow for youth/adult support facilities where none now exist. Alone this will not fund provision for truly local facilities. Off-site/vicinity provision is unacceptable and unsustainable, especially where public transport is marginal.		The CIL money can be spent on existing facilities for youth and adult learning. Parishes will also receive their proportion of CIL which can be spent on existing or new facilities.
13.4					There is NO POLICING PROVISION save for a sentence about community safety. Where is the money for provision for increased officers and equipment to police the new developments and residents?		Wording in relation to policing has been added to Table 2 and section 15. See comment under Thames Valley Police.
13.5					Recycling centres are being cut to be in population centres only. Rural sites should have to contribute more to encourage local provision of facilities.		Planning obligations have to meet the CIL test and contributions need to be fairly and reasonably related in scale and kind to the development. Rural sites cannot be treated differently to urban sites.
13.6					NO DENTAL PROVISION is mentioned.		General dental surgeries are private profit making companies and therefore the council does not seek financial contributions.
13.7					As air quality is monitored only in a very few specific locations, usually not related to developments, how is air quality going to be monitored and enforced? A contribution towards new equipment is not satisfying the immediate need. Who will be monitoring the efficacy of SUDS over the long term? What come back will there be on the developers when these fail further down the line or will rectification all be at public expense? Travel plans are a well known joke. Who is monitoring them and how are they to be enforced. Especially in light of reduced/cancelled public transport?		Monitoring carried out by equipment highlights the need to address air quality. A number of measures are used agreed by Travel Plans and S106 agreements. These can include subsidies for more bus provision and provision of more cycling facilities. The organisation responsible for managment of open space and SUDs will monitor SUDs- this could be a town or parish council or a residents managment company.
14	Mr Stephen Harrod				None	None	
15	Mr Peter Richardson				see below to Q2	S106 should be available to benefit local community projects including broadband funding that may help specific areas. S106 should have a bearing on LPA planning policy. S106 should look closely at the self build sector	Planning obligations are intended to make development acceptable in planning terms and are linked to planning policies. The self build sector has been exempt from CIL and South Oxfordshire District Council generally do not seeking planning obligations for small scale development of 10 and below. Parishes will receive CIL funding for community projects.
16	Mr Laister	Taylor Wimpey	RPS, Mr N Laister		Taylor Wimpey has additional land to the south of GWP and east of Valley Park which provides a specific opportunity to accommodate further housing growth in Didcot of over 1,000 dwellings and enable improved integrate between Valley Park with Didcot and Great Western Park. Paragraph 2.4 - Taylor Wimpey supports this approach to reviewing the CIL charging schedule and Planning Obligations Supplementary Planning Document for future strategic sites, such as Didcot South West in the emerging Local Plan.		Comments noted

16.1					Paragraph 3.1 explains that strategic sites excluded from CIL, will be secured by Section 106 planning obligations and are set out in Appendix 1. However Table 2 also refers to strategic sites where funding is expected for a number of infrastructure types. In terms of presentation this is confusing as it is not immediately clear whether different infrastructure types apply to strategic and non-strategic sites. The table also doesn't distinguish between different types of development e.g. residential, employment and retail. We recommend that the table is amended so that the S106 column is separated into 'S106 Strategic Sites' and 'Section 106 Non-Strategic Sites. It would also be useful to provide additional columns or a separate table to provide a guide for infrastructure types for retail and employment development.		Site related provision will be secured through S106 (subject to CIL Regulations 122 and 123) for the three strategic sites and for non-strategic sites. Table 2 has been amended to give more clarity. Wording to para 2.7 has been added: <u>Specifically in respect of retail and employment development</u>
16.2					Section 7 of the draft SPG provides an explanation relating to the provision, maintenance and management of sports and recreation facilities to make a development acceptable in planning terms and that associated with development at strategic sites, will be secured through Section 106. It also states that the provision and enhancement of strategic sports and local sports and recreational facilities will be funded through CIL. There is no distinction or clarity as to what constitutes strategic sports and local sports delivered under CIL and how this differs from the provision of sports and recreation facilities to make a development acceptable (which is based upon the provision standards set out in Appendix 5) or associated with development at strategic sites.		Reference to strategic sports and local sports and recreation facilities has been omitted to avoid confusion. Site related sports and recreation facilities to make the site acceptable in planning terms, including development at strategic sites will be secured through S106. Other sports and recreation facilities will be funded through CIL. Appendix 5 has been deleted as infrastructure requirements for strategic sites are set out in Appendix 1 and the provision standards for pitches etc in the relevant section
16.3					Table 2 should be amended to provide further clarity. As such there is a real risk of double counting especially for certain sites providing a CIL contribution and then providing on site provision based on the standards under Appendix 5 of this draft SPD.		Table 2 has been amended to provide more clarity.
16.4					The very nature of sport and recreation facilities such as swimming pools, sports halls and athletic tracks means that better facilities can be provided on a strategic or combined level. As such CIL would provide a more viable mechanism for delivering strategic leisure facilities, particularly in relation to the limitation of pooling 5 separate planning obligations. However neither the current version of the Infrastructure Delivery Plan (IDP) (February 2015) nor the Draft regulations 123 list (amended) May 2015 provide any clarity on what leisure and sports facilities are to be provided under CIL and states that the total cost has yet to be confirmed. It is important that there is a distinction between sport and leisure requirements delivered through CIL and how the standards set out in Appendix 5 are applied to proposals to make the development acceptable. It is understood that South Oxfordshire are currently undertaking an assessment of facilities to inform a new leisure and sports facilities strategy and this will be a useful means of providing further clarity.		Comments noted. The Council is reviewing the draft Regulation 123 list to ensure that there is no double counting. The final version of the Regulation 123 list will be published on the council's website together with the CIL Draft Charging Schedule, when this will be effective. Paragraph 1.13 has been updated to read: The council will maintain on its website an up to date list of those projects or types of infrastructure it intends to fund via the levy (Regulation 123-List), which derives from the Infrastructure Delivery Plan (IDP). We need to ensure that the use of CIL and planning obligations does not overlap. We have published produced a draft infrastructure list (known as the Regulation 123 List) that sets out the infrastructure projects or types of infrastructure that we intend will be, or may be, wholly or partly funded by CIL receipts. This List will be regularly updated in consultation with key stakeholders, which formed part of the CIL Draft Charging Schedule consultation.
17		Archstone Estates Ltd			Allotments: The draft SPD currently indicates that only strategic sites can provide on-site allotments outside of CIL. However, we have experience of smaller sites also providing on site allotments as a direct benefit to the Parish Council and community. The SPD should be amended to still allow for this flexibility without creating the unnecessary complication of needing to rely on central funding through CIL. This is a general problem with CIL which can be too rigid and remove the ability for local communities to benefit directly and quickly from development. The draft SPD should be reviewed with this in mind and flexibility built in where possible.		Agreed: Table 2 has been revised. On site provision of allotments in accordance with policy requirements will be secured through S106 for all residential development. Other allotment infrastructure (other than site specific) will be funded by CIL.
18	Croudace and the University of Reading	Croudace and the University of Reading	Mr Jeremy Woolf	Woolf Bond Planning	Response in relation to North East site, Didcot. See attached letter	The applicants have some general comments to make on the Draft SPD and in particular are equally concerned that the detailed contents of the Draft SPD further threaten the ability of the Didcot North East strategic site to be developed viably for the following reasons. Overall, any mention of increased or additional contributions in relation to the current planning application P15/S2902/O in the Draft SPD should be clearly understood as 'subject to viability'.	The S106 planning obligations will be negotiated taking account of viability evidence as set out in section 5 of the document.
18.1						Para. 2.2 I am not sure that development proposals should be considered "in line with the..."? A similar point arises in paragraph 2.7. It cannot be right for the document to say that "All development will be subject to the policies in the Planning Obligations Supplementary Planning Document...". What I think it should say is that "This Planning Obligations Supplementary Planning Document...will be relevant to all development proposals".	Wording has been added to para 2.2 and para 2.7. revised to make it clearer.
18.2						The Draft SPD in Section 3 setting out what is to be provided by CIL and what is to be provided by a Section 106 is helpful.	Comments noted
18.3						It is not clear how the "5 S106" rule will apply to various contributions sought. There are likely to be a number of S106's on the strategic site at North-East Didcot alone.	The council monitors pooling of obligations to ensure the pooling restrictions are not breached.

18.4					The Draft SPD refers to minimum standards and thresholds for various items e.g. for play area provision. Does it need to as the overall principle is governed by Regulation 122 – as the document states in the introductory paragraph 1.5 – and the standards and thresholds are set out in more specific Development Plan Documents, in the case of play area provision in Policy R2 of the Local Plan (paragraph 8.9 of the Draft SPD refers).	Table 3 - Standard, minimum sizes and distance thresholds for play area has been omitted from the S106 SPD as it is set out in Policy R2 of the Local Plan.
18.5					Typo in para 2.7 (iv) 'floor' should be 'flood'.	The typo has been corrected
18.6					The Draft S106 SPD advice that affordable housing is being secured through S106 planning obligation. There is no reference to affordable housing being secured through a planning condition. Para. 203 of the NPPF advises that: "Planning obligations should only be used where it is not possible to address unacceptable impacts through a planning condition." Core Strategy Policy CS11 Infrastructure Provision (referred to in paragraph 2.6 of the Draft SPD) advises: "Infrastructure and services required as a consequence of development, and provision for their maintenance, will be sought from developers and secured by the negotiation of planning obligations, by conditions attached to a planning permission, and/or other agreement, levy or undertaking, all to be agreed before planning permission is granted." What SODC appears to be seeking to achieve is a policy that underpins a requirement for affordable housing to be secured through a Section 106 planning obligation to be agreed before planning permission is granted rather than by any other means, including through a planning condition. Such a policy would appear to be contrary to paragraph 203 of the Framework.	The S106 is secured on the land, rather than the person or organisation that develops the land, and to which all future owners are bound. A S106 legal agreement gives more certainty and if it is not complied with, it is enforceable against the person that entered into the obligation and any subsequent owner. The s106 can be enforced by injunction. The planning obligation is a formal document, a deed, which states that it is an obligation for planning purposes, identifies the relevant land, the person entering the obligation and their interest and the relevant local authority that would enforce the obligation. This form of control is necessary to allow development to be properly implemented in the public interest and therefore it is the council's preferred approach to secure the provision of affordable housing through S106 legal agreements.
18.7					Para 3.1 advises that: "Infrastructure requirements for strategic sites, excluded from CIL, will be secured by S 106 and are set out in Appendix 1". ...nevertheless Table 2 refers a number of times to infrastructure provision 'associated with development at strategic sites', including Didcot North East, which is confusing, and in a number of cases Table 2 and Appendix 1 are contradictory. For example Table 2 refers to 'Health and Wellbeing provision' being a site related provision associated with development at strategic sites, such as Didcot North East, whereas Appendix 1 refers to a "Financial contribution towards Health and Wellbeing centre on Great Western Park".	OCC advised that a new resource centre in Didcot and Wallingford is required to meet the needs of population growth from the allocated strategic sites. This should be delivered as an integral part of the Extra Care Housing development. Financial contributions from the strategic sites will be sought. Section 16 - Health and Wellbeing and Appendix 1 has been revised to reflect OCC's latest response.
18.8					Para 21.2 refers to administration and monitoring costs. It is unclear what the relationship of this paragraph is to Appendix 4 and the Table in Appendix 4 that looks like a formulaic basis for calculating the fee. What SODC appears to be seeking to achieve is a policy that underpins a requirement for an administration and monitoring fee regardless of the facts of an application. In any event I would advise that it is intended to resist an administration and monitoring cost on the basis of the facts of the current application at Didcot North East.	Appendix 4 sets out the council's justification for the administration and monitoring of planning obligations. No change proposed
18.9					Policy R3 does not seek planning obligations.	Supporting text of policy R3 sets out in paragraph 5.81 'New development may also give rise to a requirement for further indoor facilities, and the Council will seek planning obligations from developers to meet these requirements where appropriate, including provisions relating to future maintenance and the long-term retention of the facilities as per paragraph 5.79 above.' The following words have been added: <u>Supporting text of</u> Policy R3 of the Local Plan sets out ...
18. 10					It is not clear how Section 7 (Recreation and Leisure) or the standards set out in Appendix 5 relate to the three strategic sites, including Didcot North East. In the case of the current application at Didcot North East site an area measuring 14ha, amounting to about 10% of the application site area, of land close to the A4130 is identified for a sports centre and playing fields, 3.8ha of which is to be made available for the Didcot leisure centre, a town-wide and sub-regional sports facility promoted by SODC and referred to in the SODC Cabinet report dated 12 April 2012.	It should be noted that requirements for the three strategic sites have been based on site allocation numbers e.g. 2,030 dwellings for the North-East site. Appendix 1 gives an indication of infrastructure requirements and will be subject to the planning application process.
18.11					It is not clear how commuted sums set out in Appendix 6 have been calculated locally nor from where the 20 year period derives. I presume you mean the BCIS and not BIS. The amounts do appear extraordinarily high.	The costs set out in Appendix 6 Table 1 are based on detailed worked examples. No area of public open space will be the same but these generic costs will be used for most areas of public open space. For large areas over 10,000 sqm the costs will be calculated according to the land use budget and landscaping proposals in the masterplan. As set out in paragraph 8.4 a management company arranged by the developer is the council's preferred approach. Only where agreed by the district council, applicant and town/parish council will the land be transferred to the town/parish and a commuted sum paid to cover the cost of maintenance. A 20 year period for commuted sums is the standard time period.

18.24					<p>Section 16 ' Health and Wellbeing provision' "Oxfordshire County Council has identified a requirement for two new 40 place health and wellbeing centres at Didcot (North-East site) and Wallingford (site B) to meet the needs of population growth from allocated strategic sites. A Class C3 residential Extra Care Housing facility (comprising of 60 residential units) forms part of the current application for the Didcot North East site, and a 40 place health and wellbeing centre appears to be an additional requirement at the Didcot (North-East site). In the IDP it identifies an “Additional health and wellbeing resource centre serving older people.</p> <p>To be integrated within a new extra care housing development” but the project location was not specific to the Didcot North East site. Whilst Table 2 refers to 'Health and Wellbeing provision' being a site related provision associated with development at strategic sites, such as Didcot North East, whereas Appendix 1 refers to a “Financial contribution towards Health and Wellbeing centre on Great Western Park”</p>	<p>Paragraph 16 has been amended to read: Oxfordshire County Council has identified a requirement for two new 40-place health and wellbeing centres at Didcot (North-East site) and Wallingford (site B) to meet the needs of population growth from allocated strategic sites. <u>On and off-site</u> provision of health and wellbeing facilities directly required to make the development acceptable in planning terms and to serve the strategic sites will be secured through Section 106.</p>
18.26					<p>Section 18: A financial contribution for street naming could be secured through planning condition.</p>	<p>S106 obligations are the appropriate mechanism to secure financial contributions.</p>
18.27					<p>Section 20: the provison and maintenance of for example SUDs could be secured through planning condition other than in circumstances where off-site measures require a S106</p>	<p>S106 obligations are the appropriate mechanism to secure the transfer of land and commuted sums for mainatenace. If a condon is workable in respect of maintenance this will be considered on a site by site basis.</p>
18.28					<p>Appendix 1: It would appear from the table under 'Education' that both a financial contribution for a new secondary school and 8.68ha of land on the Didcot North East allocated site is required. No reference is made to land costs as are made in the IDP (in Table 4 of the Draft SPD "Land is expected to be provided freehold and free of charge and encumbrances to the Education Authority"), nor for the provision of a developer-built secondary school. I would remind that only about a third of the pupils in a 1,200 pupil facility would derive from the 2,030 dwellings on the Didcot North East allocated site.</p>	<p>Appendix 1 has been amended to read that a "financial contributions based on pupil generation towards construction of a secondary school" will be required. Land for a secondary school (1200 pupils) of 8.68 ha will also be required.</p>
18.29					<p>The reference to contribution towards Special Education Needs is inconsistent with the chart on page 12, which indicates that that is funded by CIL.</p>	<p>Table 2 on page 12 sets out that 'site related provision and/or improvements to special education needs infrastructure associated with development at strategic sites is secured through S106'. The following addition wording has been added to paragraph 10: <u>Site related provision and/or improvements to special education needs infrastructure to serve the development at strategic sites will be sought through planning obligations. Other special education needs education will be funded through CIL.</u></p>
18. 30					<p>Appendix 1 - 3.8ha of land for the leisure facility plus land to provide pitches and a pavilion to a total land take of 14ha is required. The 3.8ha is 0.2ha more than that identified in the Joint Didcot Infrastructure Delivery Plan Live Document March 2013 (the IDP, March 2013).The IDP, March 2013 requires only 6.83ha of sports pitches to be provided, not 10.2ha (14 – 3.8ha), nor a pavilion, although 10.2ha of playing fields are included in the current application for the Didcot North East site and a pavilion is shown on the Illustrative Masterplan CSa/1720/122 Revision W. It is not clear why a 3.8ha area of land for the leisure facility is an infrastructure requirement for the Didcot North East allocated site, nor a pavilion.</p>	<p>The draft Sport and Leisure study for Didcot has identified a shortfall in sport and leisure provision to 2026. The study recommends a new centre at a new site and it has been indicated that such a facility would need approximately 3.8 ha of land with a further 8 to 9 hectares required for playing fields. The Core Strategy (paragraph 9.30) sets out that provision should be made for this new leisure centre in the north-east Didcot greenfield neighbourhood.</p> <p>(It is assumed that reference in the consultation response to the IDP March 2013, should mean IDP March 2011)</p>
18.31					<p>Leisure centre and pitches and pavilion to have separate access points. Adequate parking to serve both facilities incl. disabled and coach parking. Many of the requirements referred to are unnecessarily prescriptive and to my mind are not 'infrastructure requirements'.</p>	<p>Access and parking to the Leisure Centre and pitches are part of the infrastructure requirements.</p> <p>No change</p>
18.32					<p>Appendix 1: 'Play areas' it is not clear from where the 4.25ha for play, nor the 1.6ha of formal play, nor the MUGA of 782sq.m derives.</p>	<p>Appendix 1: Infrastructure requirements have been based on policy standards such as Local Plan policy R2 requires the provision of outdoor playing space to a minimum standard of 2.4ha per 1000 persons, of which 1.6ha should be for outdoor pitches. It should be noted that requirements for the three strategic sites have been based on site allocation numbers e.g. 2,030 dwellings for the North-East site.</p>
18.33					<p>Appendix 1 - In the table under the heading 'Open space/amenity space' at least 10% of the site is required to be “informal open space”. However, in the IDP, March 2013 it refers to requiring 10% of the total site area to be “amenity greenspace”. It would be helpful if similar terminology were used as it is not clear whether there is any difference</p>	<p>Open space is required under Local Plan policy R6. The requirment is for developers to provide public open space for informal recreation and this is set out in section 8 of the S106 Planning Obligations SPD.</p>

18.34						Under the heading 'Allotments', 1.5ha are required whereas 1.38ha is required for the whole allocation of 2,030 dwellings at Didcot North East under the IDP, March 2013. "vehicular access, disabled parking, raised beds, water and secure fencing. Not to be located in the floodplain." Many of the requirements referred to are unnecessarily prescriptive and to my mind are not 'infrastructure requirements'	Infrastructure requirements for the three strategic sites have been calculated on the whole allocation. Calculations set out in the IDP (March 2011) have been based on an average occupancy rate of 2.27 per household. These have been updated and taking into account latest Census data whereby the average occupancy rate in South Oxfordshire has increased to 2.43 persons per household. Therefore requirements for allotment provision has increased.
18.35						It is not clear why the community centre is required to form part of the provision of a neighbourhood centre, and the current application at Didcot North east does not include the community centre as part of the proposed neighbourhood centre on the Application Masterplan CSa/1720/146 Revision F. It is not clear what the difference is between a 'neighbourhood centre' and a 'local centre', what a 'large community centre' comprises, why 'some residential' is required, or why the overall site area for the 'local centre' should be 3ha. Many of the requirements referred to are unnecessarily prescriptive and to my mind are not 'infrastructure requirements', for example 'outdoor space for markets'.	The IDP (March 2011) supporting Core Strategy policy CSDID3 sets out the requirement of a Neighbourhood Centre including local shop(s) if appropriate and community centre. The council's preferred location for the new community centre (and infrastructure requirements for the three strategic sites) are set out in Appendix 1 and will form part of negotiations when considering the planning application(s).
18.36						I note that funding for a community development worker is an additional requirement to the IDP. Ought not such a post to be funded from the new Council Tax contributions SODC will be receiving? I find it hard to believe they have a community development worker for every neighbourhood in the district.	This a matter for the planning application process.
18.37						Under the heading 'Children's centre and nursery provision' it is an infrastructure requirement that "There is scope to provide facilities within the primary school and community centre". This does appear to be unnecessarily prescriptive to require there to be scope within a 'community centre', and for which is not clear what that means, for a children's centre and for nursery provision. In the current application for Didcot North East two primary schools are proposed.	The early years provision (generated by the North East development) should be included in the new primary school as set out in the IDP. The heading 'Children's centre and nursery provision' is misleading and has been deleted from Appendix 1.
18.38						Under the headings 'Integrated Youth support service' and 'Adult learning' there is a requirement for there to be scope to provide this service within the 'community centre'? It is not clear what this means.	On site requirements in relation to 'Integrated Youth support service' and 'Adult learning' generated by the North East site could be incorporated within the new community centre.
18.39						Under the heading 'Air Quality' the "Provision of electrical vehicle charging points" appears unnecessarily prescriptive and to my mind is not an 'infrastructure requirement'.	Agreed. Reference in Appendix 1 with regard to provision of electrical vehicle charging points has been deleted.
18.4						A Full Development Viability Appraisal is being progressed by the applicants as requested by SODC and all of any additional requirements arising from the Draft SPD will need to be brought into the viability appraisal. I would therefore request that you carefully consider the total impact of the S106 infrastructure requirements sought by SODC and OCC and the suggested affordable housing condition, amongst other suggested conditions, rather than within a S106. Croudace and the University of Reading object to SODC trying to add to the burden, impose planning obligations where conditions would deal with the issue, and confusing the wish lists and terminology between the Draft SPD and the IDP(s). There does indeed need to be greater clarity from SODC as to what they are actually seeking for the North East Didcot strategic site.	The viability will be considered through the planning application process
19		University of Reading		Blandy & Blandy solicitors		Although it is useful for the Council to have set out its "wish list" of infrastructure matters the University does not necessarily accept that the types of contributions anticipated in that list are justified or appropriate. Whether they are appropriate will of course depend on whether they meet the tests in CIL regulation 122 to which paragraph 1.5 refers correctly.	All planning obligations have to meet the CIL tests.
19.1						The SPD should make it clear as an over-arching statement that where provision can be achieved by the imposition of a condition no planning obligation should be required for that provision. It would be helpful to the Council, landowners and developers alike if a paragraph to that effect is inserted somewhere under the sub-heading in the introduction "Relationship between planning obligations, planning conditions, section 278 agreements and CIL".	Information in relation to planning obligations and planning conditions are set out in paragraphs 1.6 and 1.8 of the draft S106 SPD. Further text has been added to the draft S106 SPD. The following text has been added. <u>1.7 Planning obligations should be used where it is not possible to address unacceptable impacts through a planning condition (paragraph 203 NPPF).</u> <u>1.10 Planning conditions should only be imposed where they are necessary, relevant to planning and to the development to be permitted, enforceable precise and reasonable in all other respects (paragraph 206 NPPF).</u>

19.2					Paragraph 2.2. It may be misleading to refer to development proposals to be considered "in line with" the various documents referred to in the bullet points. Paragraph 2.7. It cannot be quite right to say that "All development will be subject to the policies in this planning obligations supplementary planning document".	Additional wording has been added to para 2.2: <u>This Supplementary Planning Document supports and supplements the South Oxfordshire Core Strategy (2012) and saved policies of the Local Plan 2011 and is an important material planning consideration in the decision making process of planning applications.</u> Paragraph 2.7 has been reworded: <u>This S106 All development will be subject to the policies in this Planning Obligations Supplementary Planning Document will be relevant to all development proposals</u> including residential, employment and retail. Financial contributions may be sought for:
19.3					Table 2 helpfully sets out what is expected to be delivered by CIL and what is to be provided by Section 106 obligations. It is perhaps a small point but the CIL charging schedule may change time to time and it would then be necessary to make changes to table 2. More importantly however is that it is important that table 2 is consistent with Appendix 1.	Table 2 has been simplified to and double checked that it is consistent with Appendix 1.
19.4					Policy R3 of the Local Plan does not itself "seek planning obligations". The supporting text does however.	Agreed: Paragraph 7.2 has been updated to read: <u>Supporting text of policy R3 of the Local Plan ...</u>
19.5					Paragraph 8.2. It is correct that the need for open space and informal amenity areas should be assessed on a site by site basis. The paragraph goes on to state however "we will expect ten metres squared per person...". Does that not imply a minimum provision as opposed to a site by site assessment?	Agreed - Paragraph 8.2. has been updated to read: In accordance with policy R6 of the Local Plan, we will expect <u>a minimum provision of 10m2</u> per person or 10% of a site (whichever is greater) as open space.
19.6					Paragraphs 8.7 and 8.14. The phrase "in perpetuity" connotes and implies that it will go on forever. Land use changes from time to time. There is always the possibility that the open space may not be required or may not be required for its original purpose. It would be inappropriate to have an obligation to maintain open space and/or play areas where the requirement for it has ceased. It would be better to express the long term maintenance obligations as being "indefinitely" rather than "in perpetuity".	The phrase 'in perpetuity' has been added to the Glossary: <u>In perpetuity: means of endless duration, not subject to termination</u>
19.7					Paragraph 9.8 – public art. It should be made clear that public realm and public art can be provided in and through the design of buildings and spaces as well as or in addition to g statues.	Agreed - additional words have been added to paragraph 9.8: The council will expect developers of major schemes to incorporate public art into their development <u>through for example the design of spcaces and bulidings.</u>
19.8					Paragraph 13 and 16. It is not clear what is meant by a health and wellbeing centre. Health facilities should not be provided via section 106 obligations. The provision would ordinarily be made as part of an application – particularly for a larger mixed use site. The same point applies to provision for GP Surgeries which are funded through the NHS process in any event.	Section 13 Health care referes to GP surgery provision. Section 16 Health and Wellbeing provision refers to adult day care. The heading Health and Wellbeing has been extended to read: Health and Wellbeing <u>(Adult Day Care)</u> provision
19.9					Paragraph 21.2. We accept that in certain circumstances (depending on the complexity of the obligations being entered into) that a Local Planning Authority may be put to an expense in ensuring that the obligations are carried out fully. Appendix 4 appears to set out a formula. There appears to be some potential for confusion between that formula and the otherwise understandable statement in paragraph 21.2 "we will negotiate the monitoring fees...". Insofar as any monitoring fees may be justified they must be assessed on a site by site/proposal by proposal basis.	Monitoring fees will be calculated in accordance with Appendix 4. As set out in para 21.2 we will negotiate the monitoring fees for obligations that are more complex and need to be monitored over a long period.
19. 10					Appendix 1. There is no guidance as to how the Council will deal with the requirements of the CIL regulations that no more than 5 section 106 obligations should be made towards the same item of infrastructure.	The Council monitors all S106 legal agreements and the pooling planning obligations.
19.11					Appendix 1 - In respect of community halls the University contests the need to fund a community development worker. Community centres etc should, once the development to which they relate has become established, be self-financing.	Comments noted. This will be part of the planning application process.
19.12					Appendix 1 - In respect of special education needs there is an inconsistency between page 36 and page 12. On page 12 it states that the SEN provision will be by CIL.	Agreed. Table 2 has been updated to reflect that education infrastructure (including SEN) to make development acceptable in planning terms and to serve the strategic sites will be secured through S106
19.13					Infrastructure Delivery Plan. There appear to be some differences between what is proposed in the SPD (e.g. Appendix 1) and the Infrastructure Delivery Plan. The potential for confusion is obvious. The position should be clarified.	Appendix 1 has been updated where there is inconsistency.
20		Graftongate Developments and Cl	Gary Lees	Pegasus Group	Table 4 sets out approximate built costs for new primary and secondary school provision. These built costs are for schools with a 'low carbon' rating. There is no justification for these excessive costs or the provision of low carbon schools within the policy document and we therefore object to this.	Comments noted
20.1					Para. 1.5 recognises the need for planning obligations to be compliant with CIL Regulation 122, however the SPD does not set out any methodology in respect of how compliance with Regulation 122 will be demonstrated. Whilst the cases will be somewhat site specific, a clear rationale of the issues to be considered should be included within the SPD.	The Council keeps a record of S106 legal agreements and planning obligations entered into to ensure that the limit of five is not exceeded.

20.1						Para 1.2 acknowledges that CIL is the new mechanism for the pooling of financial contributions secured via planning obligation. To be an effective SPD, the document should clearly set out the council's approach in respect of the pooling of contributions.	see comment above
21		Grainger PLC	Rebecca Altman	Savills		The affordable housing sector is in a state of flux as a result of the Government's proposlas in relation to the Welfare Reform and Work Bill. The most significant consequence for thos involved in assessing residential values is that these changes have a material impact on the value of affordable housing units including all those delivered via S106 obligations. Brandon Lewis MP sent a letter to all local authority leaders (9 Nov 2015) to ensure fast and efficient negotiations on affordable housing provision. Local authoritites should take a pragmatic and proportionate approach to viability and that negotiations on tenure type should not lead to a requirement to reassess viability. We consider that the SPD should acknowledge the potential for allowing increased flexility on affordable housing definitions and tenures, in light of potential future changes to National Policy and guidance. Recommend the following amendment to para 6.2: (Delete) A tenure mix of 75% social rented and 25% intermediate housing will be sought. (Replace with) In repect of affordable housing tenure, Policy CSH3 provides a starting point of 75% social rented and 25% intermediate tenure, unless this has been superseded by National Policy and guidance, in which case the Local Authority will give full weight to any changes required in assessing a suitable tenure mix.	The draft S106 SPD sets out in paragraph 6.2 that 40% affordable housing will be sought on all sites where there is a net gain of three or more dwellings subject to viability of provision on each site. This is in accordance with Policy CSH3 of the Core Strategy. Following adoption of this S106 SPD any changes to National Policy and guidance will need to be considered and given weight in the decision making process. It is considered not necessary to change the wording of paragraph 6.2.
22	Simon Tofts	Blue Cedar Homes				The Government updated the NPPF, para 21 by putting a greater empasis on Councils making provision for the changing needs of older residents. It is my firm belief that applying generic obligations on retirement development will be to constrain the delivery of schemes. I therefore hope that any adopted SPD can be adapted in a way that does not constrain this much needed form of development. I suggest C3 sheltered/retirement housing is subject to different level of contributions across the Authority.	This is a matter for the planning application process.
22.1						I believe that a housing scheme which provided a real need for specialist housing, such as retirement dwellings, should be exempt, similar to the C2 use class. Whilst I appreciate that there is a real need to provide affordable housing in South Oxfordshire, in reality our schemes generate a small level of affordable housing and quite often a Registered Provider is not attracted to make an offer for the number available. This has been especially true ever since the Budget 2015 announcement of reductions in social rentes in four years from 2016-17. For example a scheme of say ten retirement properties which require 40% affordable housing would mean providing four affordable units. I would benefit all parties if a commuted sum would be accepted by the Local Planning Authority.	This is a matter for the planning application process.
23.1	OCC	Howard Cox				It is clear that CIL will only ever provide a contribution to infrastructure requirements – my own estimate is that CIL, as a % of estimated total cost of infrastructure is about 9% . It will be important therefore that all sources of potential funding are optimised, including S106 planning obligations (subject to pooling limiations). The County Council would want to see the draft SPD amended to provide the flexibility for both councils to optimise funding mechanisms to deliver infrastructure to serve the communities of South Oxfordshire.	The strategic sites will secure land and contributions for education as they are exempt from CIL. It will also be possible to secure land where appropriate. S106 planning obligations can still be secured for on-site provision of education. However the council identify CIL as the funding mechanism towards education from all other development sites. The County's suggestion would entail funding from CIL and S106 for the same infrastructure, unless a specific project is named as being S106 funded. Moreover this was not accounted for in the CIL viability and there is a risk that seeking CIL and S106 contributions (for education) will render development unviable. For off-site provision the funding mechanism will be CIL due to the limitation of pooling planning obligations for the same infrastructure project. We can aim to secure land for school provision without affecting viability and this has been added to Table 2.
23.2						Para 11.7 - Delete reference to Science Vale Area Transport Strategy which is now superceded. Please refer to Local Transport Plan 4.	Agreed. Para 11.7 has been updated to reflect comment
23.4						Para 1.2, page 5 Insert 'and other site related infrastructure' after affordable housing.	The last sentense already sets out that S106 planning obligations will still continue to be used on individual sites to mitigate the direct impact of a proposed development.
23.5						Para 1.6, page 6 Change 'authority' in first sentence to 'authorities'.	No change proposed
23.6						Para 4.1 As a significant provider of services and facilities it is important this paragraph also encourages applicants to discuss their proposals with the County Council.	Agreed, 'County Council' has been added to para 4.1
23.7						Para 2.7 and 3.1, page 10: The two lists of infrastructure on this page is potentially confusing.	It is not clear what this comment relates to as there is no list in para. 2.7 and 3.1. If the comment relates to table 2 - this table has been revised to avoid confusion

23.8						Paragraph 10.4 - The County Council's Pupil Place Plan is updated annually. We now have the 2015-2018 Plan in place. To avoid the document getting dated I suggest you say: "Oxfordshire County Council publishes an annual Pupil Place Plan which sets out the framework for and approach towards the provision of places for all types of educational need. The strategy also sets out a framework for how school provision is expected to change in future, including anticipated requirements for new schools and school extensions linked to planned housing growth."	Agreed. Para 10.4 has been revised to reflect comment
23.9						The schedule at 10.7 should be updated in accordance with the Gleeds data recently issued (Q1/2015) where applicable.	Para. 10.7 (Table 4) sets out the likely costs of new primary and secondary schools (as at 2Q 2014) values. As costs change over time it has been decided to omit para 10.7. and table 4
23. 10						Page 26, footnote to table 4 - increasingly we are relying on the extended school space to allow for additional early years provision. Please change this to: *These costs are for schools with "low carbon" rating and with extended school provision. (Extended school provision ensures the school has sufficient space to incorporate nursery education, or provides for community facilities where a new school is to be located not adjacent to a proposed local centre)	Table 4 has been deleted
23.11						Para 11, page 26 Insert reference is made here to Wallingford Site B.	Agreed. In addition contributions towards delivery of the Hitchcock Way/Jubilee Way roundabout and strategic bus network has been added to reflect the latest position
23.12						Para 21.1 - Final sentence after the Council insert "(and the County Council)" (This comment refers to negotiating monitoring fees)	Agreed
23.13						page 45, table 2 - Should the table 2 page 45 be different for extension of a new school (eg extra funds to enable a 1FE funded through the strategic site to be expanded to 2FE due to other sites) compared to extensions of existing school sites? Is it appropriate under CIL to have this table in at all if it is supposed to avoid a formulaic approach?	Agreed, table 2 and related text has been deleted.
24.1	SODC	Further considerations					The first page of the draft S106 Planning Obligations SPD has been deleted and any reference to the consultation. The document has been worded to read as the final S106 Planning Obligations SPD.
24.2	SODC						A new paragraph has been added to explain that the pooling restrictions do not apply to S278 agreements. <u>The pooling restriction on planning obligations does not apply to S278 agreements. The CIL Amendment Regulations 2014 have brought S278 agreements within the restrictions imposed by Regulation 123 which means that CIL cannot be spent on a highway scheme for which a S278 agreement has been made. This ensures that there is no overlap between the highway infrastructure funded through CIL and that funded by Section 278. This means that where a highways improvement scheme is listed on the R123 list, it will not be possible to enter into a S278 agreement for that scheme.</u>
24.3	SODC						Text to paragraph 7.5 has been added: <u>If there is a management company in place we expect the Sports Club to be represented on the management company's board.</u>
23.4	SODC						Section 17 - shop mobility has incorporated within section 9 under the heading public realm. Funding for improving accessibility for disabled to the town centre will be funded by CIL. Table 2 has been revised accordingly.
24.5	SODC						Appendix 3, 7th bullet point has been revised to read: • <u>Where a scheme requires a S106 agreement, for instance a major planning application for residential development</u> Draft heads of terms for a Section 106 legal agreement will should need to be submitted with the any planning application which requires it, and . The draft Section 106 legal agreement should be agreed before the planning application is referred to Planning Committee. The legal agreement must be then signed and completed before the issue of a planning permission. The absence of a necessary planning obligation may be sufficient for the council to refuse permission.
24.6	SODC						Sentence added to para 8.8. 'Provision of play equipment for children with disabilities and surface of play areas should also be considered.
24.7	SODC						Sentence added to para 8.23 'Allotments should be accessible on foot, by bicycle, car and public transport'
24.8	SODC						Appendix 4 , table setting out administration/monitoring fees has been updated
24.9	SODC						A new paragraph has been added to cover the maintenance of allotments if they are provided on site as part of the development.
24.1	SODC						Commuted sums for Woodland planting, play areas and litter bin emptying have been updated to comply with the latest up to date information.