

South Oxfordshire

DEVELOPER CONTRIBUTIONS SUPPLEMENTARY PLANNING DOCUMENT CONSULTATION STATEMENT



September
2022

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1. Introduction

- 1.1 Funding for the infrastructure necessary to support new development across the district can be sought in a variety of ways. The Council currently utilises the following main mechanisms for securing infrastructure contributions from developers:
- Community Infrastructure Levy (CIL)
 - Section 106 planning obligations (S106)
- 1.2 The Council adopted its current CIL Charging Schedule and Developer Contributions SPD on 18 February 2016, with the commencement of CIL on 1 April 2016. The Council subsequently adopted the South Oxfordshire Local Plan 2035 in December 2020, which included new site allocations and additional infrastructure requirements. There have also been changes to the Community Infrastructure Levy Regulations¹, including:
- the removal of pooling restrictions for S106 obligations (i.e. the now cancelled requirement that no more than five S106 obligations can fund a single infrastructure project);
 - removing the need for a Regulation 123 list (i.e. a list of infrastructure projects to be funded by CIL as opposed to S106); and
 - introducing a new requirement to produce an annual Infrastructure Funding Statement.
- 1.3 Furthermore, it was evident that the current CIL rates were not generating sufficient funds to help deliver the necessary infrastructure to support planned development. In particular, funding for education was falling short and it is now proposed, in the main, to secure education through S106.
- 1.4 In light of all the above, the Council considered it was necessary to conduct a review of both the CIL Charging Schedule and Developer Contributions SPD. These reviews have been carried out in accordance with the CIL Regulations 2010 (as amended) and the Town and Country Planning (Local Planning) (England) Regulations 2012 respectively. Cabinet approved draft versions of each revised document, together with associated viability evidence, for public consultation on 3 February 2022.
- 1.5 Regulation 12 of the Local Planning Regulations states that, before a local planning authority can adopt an SPD, it must prepare a statement setting out the persons consulted during the preparation of the document, with a summary of the main issues raised and how they have been addressed in the SPD. This Consultation Statement addresses these requirements.

¹ The Community Infrastructure Levy Regulations 2010, as amended by the Community Infrastructure Levy (Amendment) (England) (No. 2) Regulations 2019.

2. Summary of the Consultation Process

- 2.1 Public consultation on the draft Developer Contributions SPD was conducted from 15 February to 22 March 2022, simultaneously with consultation on a revised draft CIL Charging Schedule and associated evidence documents.
- 2.2 The Council made all consultation documentation available on its website and in hard copy at its offices in Milton Park and at a number of public libraries in South Oxfordshire². A notification email or letter was sent to 3685 consultees on the Council's planning consultation database, which provided background to the SPD consultation and explained where people could view the documents and the various ways in which they could provide comments. The Council also used its social media platforms to advertise the consultation and circulated a poster via email for each of the town and parish councils to display, where appropriate.
- 2.3 Overall, there were 26 respondents to the consultation, making a total of 90 separate comments on the draft document. Of these respondents, 5 were community groups/organisations or council departments, 2 were town or parish councils, 7 were statutory consultees, 5 represented the development industry and 7 were individuals. A full list of respondents can be found at Appendix 1.

3. Main Issues Raised During Public Consultation

- 3.1 A detailed schedule of all comments received during the public consultation period, including summaries, the Council's responses and any amendments to the SPD in light of comments raised is attached at Appendix 2.
- 3.2 Below is a summary of the main issues raised by respondents, together with the Council's response.

Public open space/ children's play requirements

- 3.3 We received a number of comments about DEV5 (Open Space and Play Facilities) and its supporting paragraphs. These sought greater clarity on the Council's approach to securing open space and play facilities contributions as part of new development. In particular, Beechcroft Developments were seeking clarification about what the Council requires in terms of contributions from developers of schemes for elderly persons accommodation (see also paragraphs 3.30 and 3.31 below).

² Public libraries: Benson, Berinsfield, Chinnor, Didcot, Goring, Henley, Thame, Wallingford, Watlington, Wheatley and Woodcote.

- 3.4 Oxford Brookes University and Beechcroft Developments also considered that it was not appropriate for a Supplementary Planning Document (SPD) to include new formulae for calculating open space/ play space calculations, because SPDs are not subject to examination.

Council's Response:

- 3.5 In order to provide greater clarity on how public open space and play facilities contributions will be calculated, we have made a number of amendments to DEV5 and its supporting text. In the DEV5 blue box, we have confirmed that all new residential development will provide on-site informal open space comprising 1.4ha per 1000 population and that, where commuted sums are sought towards ongoing maintenance, this will apply to play areas as well as open space. We have also confirmed in the supporting text that developers of specialist accommodation (where children do not reside) would not be expected to provide play space.
- 3.6 We have amended footnotes 4 and 5 to confirm that population is based on an average of 2.35 persons per dwelling.
- 3.7 Paragraph 4.34 now explains that open space for informal amenity and parks and 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) and that the need for open space will be based on Policy CF5 of the adopted Local Plan and our Open Spaces Study standards. We have also added new text to state that natural space for biodiversity will, in general, be additional to informal amenity space and that S106 contributions for the enhancement of open 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). However, all greenfield development will still be required to provide additional new public open space.
- 3.8 We have deleted the play space calculation formulae and instead amended the text in paragraph 4.35 to clarify that, whilst all open space, including play areas, should be available for use by the public, for institutional developments such as elderly care, this could be provided as communal private open space.
- 3.9 Taking account of the impact that recreational uses can have on biodiversity, we also propose to add an additional sentence to the end of paragraph 4.63 to explain that sufficient space should be identified for both recreation and biodiversity in development schemes and that details need to be set out in a land use budget and drawings accompanying any application for planning permission.
- 3.10 The Council's Landscape Officer has also provided some additional text on requirements for youth provision for inclusion in Appendix 3 (Specifications for Children's Play Provision).

Biodiversity Net Gain

- 3.11 Given that the Chilterns AONB in South Oxfordshire is largely rural in nature, with areas of high biodiversity value, the Chiltern Society wished to see a biodiversity net gain requirement of 20% applied within the AONB. The Society were also seeking clarity on how Section 106 contributions would work alongside the contributions for Biodiversity Net Gain.
- 3.12 From a different perspective, Oxford Brookes University and Hallam Land Management considered that it was inappropriate to change local plan policy (i.e. introduce an 10% Biodiversity Net Gain requirement) through the SPD, as they believed that any such requirement should be dictated by national legislation.

Council's Response:

- 3.13 In this SPD we cannot introduce Biodiversity Net Gain requirements that are more stringent than those set out in Policy ENV3 of the adopted South Oxfordshire Local Plan 2035, unless more recent Government legislation supersedes it. We are mindful that the Environment Act 2021 sets a national minimum figure for 10% biodiversity net gain and makes this a mandatory requirement for all development. However, this does not take effect until November 2023. We, therefore, propose to amend paragraphs 4.66 and DEV14 to make this clear, stating that all development must deliver a net gain in biodiversity and that, once the Environment Act 2021 has come into force, this must be at least 10% net gain.
- 3.14 As explained in the DEV14 blue box, Biodiversity Net Gain is to be achieved by way of planning conditions attached to planning permissions and, where appropriate, from S106 contributions.

Relationship between the SPD and adopted Local Plan policies

- 3.15 A number of respondents (including Oxford Brookes University and Beechcroft Developments) considered that the SPD was seeking to introduce more onerous developer requirements for certain types of infrastructure than those set out in the adopted South Oxfordshire Local Plan 2035. They were particularly concerned that, in line with Government's Planning Policy Guidance (PPG), policies covering planning obligations should be clearly set out in local plans and be examined in public and that whilst SPDs should build upon and provide more detailed advice or guidance on policies in an adopted local plan, they cannot introduce new planning policies into the development plan. Overall, respondents expressed concern that these additional developer requirements posed risks in terms of viability, which may not have been fully examined and scrutinised.

Council's Response:

- 3.16 We consider that the draft SPD is in general conformity with (and provides appropriate supplementary guidance to support) our adopted Local Plan

policies. However, we do accept that, with regard to DEV11 (Public Realm, Arts and Heritage), our adopted Local Plan does not contain any specific policy requirements for public art, although paragraphs 8.7 and 8.8 of the Plan do encourage its provision, supporting Local Plan Policy DES1 (Delivering High Quality Development). We, therefore, propose amendments to DEV11 to confirm how we will seek contributions towards enhancement of the public realm as part of new development schemes, stating that infrastructure items (e.g. 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.

- 3.17 Similarly, we accept that there is no specific policy covering a requirement for developers to prepare Community Employment Plans in the adopted Local Plan, so we will delete DEV12 (Local Employment, Skills and Training). We have, however, amended paragraph 4.58 to say that, 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. Notwithstanding these changes, the Council intends to revisit the merits of Community Employment Plans, when considering appropriate new employment policies in our Joint Local Plan.

Affordable Housing

- 3.18 Oxford Brookes University said that DEV1 was inconsistent with Policy H9 of the Local Plan (in terms of the thresholds for provision of affordable housing and clustering), whilst Beechcroft Developments considered that, as affordable housing should be indistinguishable from market housing, they saw no reasoned justification as to why there should be a prescribed limit on cluster size or proximity within a perimeter block.
- 3.19 Hallam Land Management also requested that DEV1 be amended to allow for alternative acceptable mixes of tenure, with 40% affordable housing as a target, subject to viability, site specific and other material considerations.
- 3.20 Beechcroft Developments pointed out that DEV1 required amendment because retirement living development schemes were not required to include 'First Homes' in their tenure mix. Consequently, they sought clarification on what form of low-cost retirement home ownership the Council would expect to be delivered in its place. Beechcroft considered discount market sales (DMS) or off-site contributions to be appropriate alternatives.
- 3.21 Beechcroft also said that, whilst they fully supported the Council's commitment to assessing local need in determining the correct form of retirement affordable housing to be delivered on specific sites, they considered that the Council's evidence base was not currently sufficient to assess that need. They, therefore, suggested that DEV1 and its supporting

text required further amendment to allow flexibility over retirement housing need, tenure and delivery in circumstances where (at the planning application stage) development proposals could be supported by up to date, site specific Housing Needs Assessments.

- 3.22 They (Beechcroft) also asked the Council to consider adding reference to a 'cascade mechanism' within Section 106 agreements, to provide greater flexibility for retirement living schemes, in circumstances where affordable housing units within a particular development could not be delivered in their originally intended form. In other words, a developer would seek to agree a specific tenure mix with the Council at the planning application stage, based on identified local need. Then, in the event that the Council's preferred Registered Provider was unwilling to take on the affordable housing element of the development scheme, provided there was sufficient evidence, the units would automatically revert to Discount Market Sales (DMS) or an off-site contribution.
- 3.23 Bioabundance CIC requested an amendment to the DEV1 blue box, to make it clear that the Strategic Sites adjacent to Oxford City (i.e. STRAT11 - Land South of Grenoble Road, STRAT12 - Land at Northfield and STRAT13 - Land North of Bayswater Brook) must provide 50% affordable housing in accordance with Policy H9 of the Local Plan 2035.

Council's Response:

- 3.24 Paragraphs 4.9 and 4.10 of the SPD are consistent with 2 (vi) of Policy H9 of the Local Plan, which states that affordable housing should be indistinguishable in appearance from market housing on site and distributed evenly across the site, with these units being clustered in groups of no more than 15 homes. Paragraph 4.9 of the SPD provides further clarification on how to interpret the above, explaining that, for strategic sites, clusters of up to 15 dwellings may be acceptable. This would be determined on a site-by-site basis.
- 3.25 Criterion 2(i) of H9 of the adopted Local Plan 2035 states that, in circumstances where it can be adequately demonstrated that the level of affordable housing being sought would be unviable, alternative tenure mixes and levels of affordable housing provision may be considered. Whilst it is not for the SPD to simply repeat Local Plan policy which already applies, we recognise that development viability can be an issue for some sites and have already addressed this in Section 7 (Negotiation and Administration of Planning Obligations) of the SPD.
- 3.26 We acknowledge that specialist accommodation (such as purpose-built accommodation for the elderly or students) is exempt from the First Homes tenure requirements, in accordance with paragraphs 64 and 65 of the NPPF. Consequently, we have amended DEV1 to clarify that retirement housing schemes are exempt from providing First Homes and that, for such schemes, prospective developers and the Council will need to agree a suitable tenure mix on a case-by-case basis.

- 3.27 We can confirm that, in the absence of any up-to-date local evidence on housing needs for the elderly, the Council will seek to be flexible over tenure and delivery of elderly persons accommodation, considering proposals on a case-by-case basis.
- 3.28 Whilst noting the request for the Council to adopt a cascade approach to tenure mix for retirement developments, there are Registered Providers operating in South Oxfordshire who do provide age restricted housing accommodation and it would be for the applicant to discuss the terms of the Section 106 agreement, on the basis of site specific evidence on viability and deliverability, if it was considered that the intended tenure mix required amendment.
- 3.29 We agree that DEV1 requires amendment to make it clear that the strategic sites adjacent to Oxford City must provide 50% affordable housing, in accordance with Policy H9 of the Local Plan.

Education contributions

- 3.30 Beechcroft Developments wanted to see the SPD amended to confirm that education contributions would not be sought from retirement living development schemes.

Council's Response:

- 3.31 We agree that it would be helpful to amend the SPD to reflect this point. We have, therefore, amended paragraph 4.20 to confirm that all development which generates pupils will be assessed for providing education contributions, to be secured through S106.

Timing of new infrastructure provision

- 3.32 A number of respondents (including Garsington Parish Council) wished to see the SPD require all developers to make necessary improvements/upgrades to sewerage water treatment infrastructure before any housing construction commences.

Council's Response:

- 3.33 Paragraph 4.84 of the SPD explains that, to ensure timely housing delivery, developers will be expected to engage with the water authority to agree a housing and infrastructure delivery plan so that development does not outpace the delivery of off-site infrastructure and that this is usually secured by condition. Paragraph 4.84 also states that:

'...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'.

- 3.34 It is not, however, possible for sewerage water treatment infrastructure to be completed before any housing construction commences. The provision of such infrastructure must be phased in accordance with the respective development and agreed with the statutory water supplier.

Concerns over possible 'double-dipping' from S106 and CIL

- 3.35 Oxford Brookes University expressed concern over DEV3 and the possibility that there could be 'double dipping' of developer contributions, in circumstances where contributions towards strategic transport infrastructure projects could be secured both through S106 agreements and also through the CIL receipts allocated to Oxfordshire County Council for transport schemes.

Council's Response:

- 3.36 Oxfordshire County Council applies to South Oxfordshire District Council to draw down its funds on an annual basis, when advised of the CIL allocation for the year. We then assess all projects to ensure that they are eligible to be supported by CIL, which would include understanding where other funding for the schemes has come from. Changes to the CIL Regulations in 2019 removed pooling restrictions, so both S106 and CIL can now be used towards the same project. However, we (the district council) would not approve a request from the county council for CIL funds from a specific development towards any transport scheme that was already being funded by S106 contributions from that same development. Other CIL funds could, however, still be used towards a specific transport scheme partially funded by S106, if there was a funding shortfall.

Climate change mitigation

- 3.37 Bioabundance CIC asked whether, as part of implementing Local Plan policy on the shift to zero carbon for house building, the district council could support the phasing out of gas central heating by requiring new dwellings to incorporate low carbon air or ground-source heat pump heating and water saving features during construction.

Council's Response:

- 3.38 The SPD cannot introduce more stringent developer requirements than those already required under adopted Local Plan policy. However, we are currently in the early stages of developing our new Joint Local Plan, which will include policies that will help to address climate change and also ensure that, through planning, the council can respond effectively to the climate emergency (for example through the design and construction of new developments).

Bonds

- 3.39 Oxfordshire County Council helpfully explained that, in addition to the circumstances already stated in paragraph 7.12, a bond will also be required for direct delivery of infrastructure (for example, a school or library).

Council's Response:

- 3.40 We have amended paragraph 7.12 to read:

'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.'

4. Modifications to the Draft SPD

- 4.1 We have prepared a revised version of the SPD, which includes all the proposed amendments to address the relevant comments raised during public consultation, together with some further amendments made by the Council post-consultation. These further amendments are summarised below:
- i. *Planning Conditions* - Paragraph 1.16 amended to read: '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..'
 - ii. *First Homes* – The DEV1 blue box amended to confirm that provision of First Homes is not required in specialist development schemes providing elderly persons or student accommodation.
 - iii. *Affordable Housing SPD* – Paragraph 4.12 amended to confirm that the councils are no longer proposing to prepare a Joint South and Vale Affordable Housing SPD, but that, instead, guidance on the calculation of off-site contributions towards affordable housing will likely be prepared as a stand-alone document and progressed alongside the Joint Local Plan.
 - iv. *Sport and Recreation Facilities (including playing pitches)* – New paragraph to clarify that:

'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.'
 - v. *Open Space and Play Facilities* – DEV5 and supporting paragraphs amended to reflect how 'open space' is categorised in the Open Spaces Strategy (Jan 2017), prepared by Nortoft Partnerships Ltd on behalf of the council. Glossary also expanded to include definitions of different types of open space.
 - vi. *Location of open space* – Explanation that 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.
 - vii. *Outdoor sport and play design principles* – Additional reference to the Councils' own recently adopted Joint Design Guide.
 - viii. *Allotments* – The DEV6 blue box amended to state that, 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 will be required.
 - ix. *Public Realm, Arts and Heritage* – The DEV11 blue box and supporting text amended to confirm that, where outline planning applications require

further details on design (e.g. design codes, public art proposals or detailed design of public thoroughfares and open space), the Council may seek planning obligations requiring the developer to carry out community engagement on placemaking and design.

- x. *Section 5 (Management and Maintenance of Infrastructure)* – Under the sub-heading of ‘Open Space’, new text to explain that, in relation to commuted sums for the long term maintenance 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. Further text also recognises that each site will have unique proposals and that, consequently, fees could vary from site to site.
- xi. *Appendix 2 (Approach to Negotiating Planning Obligations)* – Additional text in paragraph 1, to explain that consultation with town and parish councils during pre-application discussions on large and complex sites will be encouraged. Also, confirmation in paragraph 3 that the district council will identify the impacts expected to arise from development proposals on infrastructure, in co-operation with town or parish councils as well as Oxfordshire County Council.
- xii. Further minor amendments following a grammar/Plain English sense check, for readability and accuracy.

5. Further information

- 5.1 Further information on the Developer Contributions SPD review can be found on the Council’s website [here](#)

Appendix 1

List of Respondents to the Draft SPD Public Consultation (from 15 February to 22 March 2022)

1	Coal Authority
2	Hughes, Nigel
3	Anonymous
4	Sport England
5	McGuire, Chris
6	Highways England
7	SODC (Active Communities Team)
8	Canal and River Trust
9	Kent, RSM Dr
10	Trueman, Mrs
11	Garsington Parish Council
12	SODC (Landscape Officer)
13	Oxford Science Village Partners
14	Thames Water Utilities
15	Chiltern Society
16	Countryside Properties
17	Willis-Fleming, Peter
18	Oxford Brookes University
19	Hallam Land Management
20	Rayner, Tony
21	Didcot Town Council
22	Natural England
23	Marine Management Organisation
24	Oxfordshire County Council
25	Beechcroft Developments
26	Bioabundance CIC

Appendix 2 – Schedule of Consultation Responses

Respondent	Para or Section Topic/ Issue	Summary	Council's Response	Council's Proposed Modification
Nigel Hughes	Para 4.3 Town & Parish Council involvement	This section is not strong enough. The default option for a developer should be that they 'involve town and parish councils ... at an early stage'. The way it is currently worded makes it appear 'nice to have' rather than a 'must have'.	We can amend paragraph 4.3 to explain that the Council encourages developers to involve town and parish councils at an early stage in discussions.	Amend para 4.3 to read: 'The Council encourages developers it is good practice to involve town and parish councils...'
Nigel Hughes	Page 12 – Transport Active Travel England	Active Travel England probably didn't exist when this document was originally put together. This section needs to be updated to cover the role of Active Travel England.	Active Travel England will be Government's executive agency responsible for improving the standards of cycling and walking infrastructure in England and will be sponsored by the Department for Transport. ATE's statutory duties and functions will be as a statutory consultee on planning applications for major new developments and on land used for highways. However, this will not come into effect until ATE formally becomes an executive agency later in 2022 (no date as yet).	None required.
Anonymous	General - Timing of S106 agreements	Compel all developers to provide the agreed funding for infrastructure (paths/green spaces/parks/play areas etc) BEFORE any housing construction commences.	The Council must take into account the phasing of delivery for each development scheme and cannot require infrastructure to be provided before any housing construction commences.	None required.
Sport England	Para 4.31 DEV4 Indoor & Outdoor Sports & Recreation	Recommend that this para is amended to read: <i>'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.'</i> This is a separate piece of design guidance which has already been adopted by some NGBs (e.g. ECB) and is currently under development at Sport England.	Additional text is helpful. We will amend paragraph 4.31 accordingly.	Amend paragraph 4.31 to read: '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.'
Sport England	DEV4/ para 5.14	Sport England wishes to have its support for DEV4 (Indoor and Outdoor Sports and Recreation) and paragraph 5.14 noted.	Support welcomed.	None required.

Respondent	Para or Section Topic/ Issue	Summary	Council's Response	Council's Proposed Modification
Sport England	General	Following review, Sport England believes the draft SPD to be a sound document which will bring benefits to both the residents and visitors to the district.	Support welcomed.	None required.
Chris McGuire	General Separate/ protected budgets for infrastructure items e.g. cycleways, allotments.	To make forward progress, it would be advantageous to keep a clear, separate fund for green transport infrastructure (cycle route provision and maintenance). We also need protected budgets for wildlife corridors and food production areas and new allotment sites, provided free of charge to those on benefits, as an education resource.	Under Policy ENV5 (Green Infrastructure in New Developments) of the South Oxfordshire Local Plan, development is expected to contribute towards the provision of additional Green Infrastructure and protect or enhance existing Green Infrastructure. This SPD includes provision for the Council to secure biodiversity mitigation and enhancements (plus ongoing monitoring) by way of planning conditions attached to planning permissions and, where appropriate, through S106 agreements. It also states (under DEV6) that ' <i>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.</i> '	None required.
SODC (Active Communities Team)	Page 14, para 4.29 Reference to National Governing Bodies and local sports clubs.	Para 4.29 states that the Council will liaise with the relevant sporting body and town and parish councils. It would be useful to clarify that this means National Governing Bodies of different sports, local sports clubs and town and parish councils. The NGBs and sports clubs will have more up to date knowledge on the status of the existing facilities (e.g. whether they are at capacity; if they need new replacement facilities; whether they meet playing standards etc).	Agreed - amend paragraph 4.29 to explain what we mean by 'relevant sporting bodies'.	Amend paragraph 4.29 as follows: <i>'The Council will liaise with the relevant sporting representative body National Governing Body for those sports to be provided, as well as with local sports clubs, the and town or parish council and local councillors to establish...'</i>
SODC (Active Communities Team)	Para 5.1	Agree that the management and maintenance of facilities should be the responsibility of the developer.	Support welcomed.	None required.
SODC (Active Communities Team)	Para 5.2 Costs - assessing facilities.	Para 5.2 states that developers should fund any costs for procuring expertise needed to assess facilities. This should be amended to say that 'developers will be required' as 'should' gives room for them to say no.	Agreed - amend paragraph 5.2 to clarify that, if necessary, developers will be required to fund the procurement of relevant expertise to assess the completed works.	Amend paragraph 5.2 to read: <i>'..If necessary, the developer should will be required to fund the procurement of the relevant expertise...'</i>

Respondent	Para or Section Topic/ Issue	Summary	Council's Response	Council's Proposed Modification
Dr RSM Kent	Page 29, para 4.83 Sewerage water treatment infrastructure provision.	This paragraph should be amended to state that necessary improvements to sewerage water treatment infrastructure will be programmed by the water companies and needs to be completed ' <i>prior to submission of a planning application.</i> '	Para 4.83 explains that ' <i>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.</i> ' It is not possible for sewerage water treatment infrastructure to be completed before a planning application has been submitted. The provision of such infrastructure must be phased in accordance with the respective development and agreed with the statutory water supplier.	None required.
Mrs Trueman	DEV 1 Affordable housing	The 40% social housing needs to be iron-clad. It was removed in lieu of money in Thame with regard to the old police station site and older people need support just as first time buyers do. The Thame contribution towards housing numbers is too high. Hopefully the Local Plan will point this out.	DEV1 (Affordable Housing) is consistent with both the National Planning Policy Framework and Policy H9 of the South Oxfordshire Local Plan 2035. The Council requires 40% of the total number of dwellings on all sites providing a net gain of 10 or more dwellings to be secured as affordable housing. We will expect this requirement to be met on-site, unless off-site provision or an appropriate financial contribution in lieu can be robustly justified. The distribution of the district's future housing requirement will be determined in our Joint Local Plan 2041.	None required.
Garsington Parish Council	Para 4.83 Sewerage infrastructure provision.	It is encouraging that you are seeking to ensure sewerage infrastructure upgrades. However, we would like to see this paragraph amended to further mitigate the risk that house building goes ahead without upgrades to infrastructure. Currently, water companies across the UK are looking to Government to help financially with the issue of untreated human effluent in our rivers. Given the current precarious economy it is likely central government funding will not be made available and the necessary work will not then be undertaken. A suggested alternative paragraph is set out below for your consideration: '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, and their completion would be a pre-commencement condition for development. Planning permission would be refused on failure to agree to this pre-condition, hence developers will be expected to engage with the water authority to agree a housing and infrastructure delivery plan to ensure	Paragraph 4.83 already states that ' <i>...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.</i> ' It is not possible for sewerage water treatment infrastructure to be completed prior to commencement of development. The provision of such infrastructure must be phased in accordance with the respective development and agreed with the statutory water supplier.	None required.

Respondent	Para or Section Topic/ Issue	Summary	Council's Response	Council's Proposed Modification
		that development does not outpace the delivery of off-site infrastructure. This is usually secured by condition- prior to application.'		
SODC (Landscape team)	Recreation & Leisure sub-section Public open space calculations	For calculating public open space, do we need to state the residential occupation figure used to convert number of dwellings to the population number? My understanding is it's 2.35, but not easy to find amongst the evidence base.	In light of various comments received in relation to DEV5 (Open Space and Play Facilities) and supporting paragraphs 4.33 and 4.34, we propose to amend DEV5 and various other paragraphs, footnotes etc under the 'Recreation and Leisure' and 'Biodiversity and Green Infrastructure' sub-headings, to provide greater clarity on how public open space, recreation and play facilities contributions will be calculated.	Amend sub-heading to read: ' Open Space , Sport and Recreation 'Add new paragraph after 4.28 to read: ' The area in hectares of open space, recreation 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. '
				Amend DEV5 to read: <i>'Residential</i> 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 informal open space. • 0.25ha per 1,000 population of designated Equipped Playing Space; and • 0.3ha per 1,000 population for of provision for teenage/young people. Where off-site mitigation is required, the enhancement of open space and play facilities will be secured through S106. Where open space or play areas are is to be transferred to the District Council, town or parish

Respondent	Para or Section Topic/ Issue	Summary	Council's Response	Council's Proposed Modification
				council or other management body, a commuted sum for sufficient funds for ongoing maintenance is required...'
				Amend footnote 4 to paragraph 4.32 and footnote 5 to paragraph 4.41 as follows: '...Nortoft Partnerships Ltd. Population is based on an average of 2.35 persons per dwelling. '
				Amend para 4.33 as follows: 'Open space for informal amenity and parks and 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 and informal amenity areas will be based on Policy CF5 and the Open Spaces Study standards. assessed on a site by site basis, having regard to the above Open Spaces Study standards and taking into account: features of the site; the nature of the development; and the accessibility of other provision within the locality. Natural space for biodiversity will, in general, be additional to informal amenity space. Section 106 contributions for the enhancement of open 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.'

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				<p>Amend para 4.34 (to become 4.35) as follows:</p> <p>'Informal open space 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. and overall play provision will be calculated using the following formulae:</p> <p>Usable public open space = No. of dwellings x (residential occupation/1000 x 1.4ha) Play provision = No. of dwellings x (residential occupation/1000 x 0.55ha)</p>
				<p>Amend paragraph 4.38 to read: '(NPFA, Fields in Trust) and its own Joint Design Guide. and further specifications for children's play provision are set out in Appendix 4 3...'</p>
				<p>Add an additional sentence to the end of paragraph 4.62 to read:</p> <p>'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 any application for planning permission.'</p>
SODC (Landscape team)	Appendix 3 Specifications for Children's Play Provision	The table at Appendix 3 (Specifications for Children's Play Provision) needs amendment to include 'Youth Provision'. It would also help to ensure that all the definitions match those used by Fields in Trust (see updated text provided in tabular form).	Agreed - update Appendix 3 to include youth provision and with the same definitions as used by Fields in Trust.	Amend Appendix 3 with the new text on Youth Provision provided by the Landscape Officer. Also, in the final column under Locally Equipped Area for Play (LEAP) it should read: 'In addition to LEAP LAP requirements...'

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Chiltern Society	Para 4.65, DEV14 Biodiversity Net Gain in Chilterns AONB	The policy and supporting text do not currently mention the Chilterns Area of Outstanding Natural Beauty (AONB) in relation to biodiversity contributions. The recent Government response to the Glover Review proposes additional duties for AONBs in relation to nature recovery and climate change and the Government's 30 x 30 target to have 30% of land protected by 2030. Given that the Chilterns AONB in South Oxfordshire is largely rural in nature with areas already of high biodiversity value, the Society would wish to see a net gain requirement of 20% introduced within the AONB. Whilst we would not expect major developments to take place in the AONB part of the district, we consider it is right that the highest standards are required to capitalise on the opportunities available to contribute to nature recovery. The enhancement of the Chilterns for biodiversity is supported by the AONB Management Plan and our own Manifesto for Chilterns Wildlife.	In this SPD we cannot introduce Biodiversity Net Gain requirements that are more stringent than those set out in Policy ENV3 of the adopted South Oxfordshire Local Plan 2035, unless more recent Government legislation supersedes it. We are mindful that the Environment Act 2021 sets a national minimum figure for 10% biodiversity net gain and makes this a mandatory requirement for all development. However, this does not take effect until November 2023 and so we propose to amend paragraphs 4.65 and DEV14 to make this clear.	Amend paragraph 4.65 to read: '...However, the Environment Act 2021, when it comes into effect in November 2023, will now supersedes this, setting a national minimum figure for 10% biodiversity net gain and making this a mandatory requirement for all development...' Also, amend the second paragraph of DEV14 as follows: 'All development must deliver a net gain in biodiversity and once the Environment Act 2021 has come into force, this should aim to must be at least 10% net gain.'
Chiltern Society	Para 4.65, DEV14 Biodiversity Net Gain	It needs to be made clearer how Section 106 contributions would work alongside the contributions for Biodiversity Net Gain. Are they part of the same process, or treated separately? A separate section on BNG might be the easiest way to clarify this. There need to be strong safeguards to ensure that developer contributions cannot be argued away by developers on viability grounds.	As explained under DEV14 (Biodiversity and Green Infrastructure), Biodiversity Net Gain is to be achieved by way of planning conditions attached to planning permissions and, where appropriate, from S106 contributions. Under Policy ENV3 of the Local Plan, all development should provide a net gain in biodiversity where possible and, as a minimum, there should be no net loss of biodiversity. However, once the Environment Act comes into force, there will be a national minimum figure for 10% biodiversity net gain, which will be mandatory for all development.	None required.
Peter Willis-Fleming	Para 4.62 & DEV14 Biodiversity Net Gain	I would like to see the delivery of at least 20% biodiversity net gain in designated areas, particularly in AONBs.	In this SPD we cannot introduce Biodiversity Net Gain requirements that are more stringent than those set out in Policy ENV3 of the adopted South Oxfordshire Local Plan 2035, unless more recent Government legislation supersedes it. We are mindful that the Environment Act 2021 sets a national minimum figure for 10% biodiversity net gain and makes this a mandatory requirement for all development. However, this does not take effect until November 2023 and so we propose to amend paragraphs 4.65 and DEV14 to make this clear.	Amend paragraph 4.65 to read: '...However, the Environment Act 2021, when it comes into effect in November 2023, will now supersedes this, setting a national minimum figure for 10% biodiversity net gain and making this a mandatory requirement for all development...' Also, amend the second paragraph of DEV14 as follows: 'All development must deliver a net gain in biodiversity and once the Environment Act 2021 has come into

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				force , this should aim to must be at least 10% net gain.'
Thames Water Utilities	Paras 4.81 to 4.84 Thames Water advice for developers	<p>We support paras 4.81 to 4.84, particularly the need for developers to engage with the water company (rather than water authority) and reference to Local Plan Policy INF4 (Water Resources).</p> <p>It is important to consider the net increase in water and waste water demand to serve development and also any impact that developments may have off-site, further down the network. Thames Water will work with developers and local authorities to ensure that any necessary infrastructure reinforcement is delivered ahead of the occupation of development. Where there are infrastructure constraints, it is important not to underestimate the time required to deliver necessary infrastructure (local network upgrades take around 18 months and sewage treatment & water treatment works upgrades can take 3-5 years).</p> <p>It is our understanding that S106 cannot be required to secure water and waste water infrastructure upgrades. However, it is essential to ensure that such infrastructure is in place to avoid unacceptable impacts on the environment such as sewage flooding of residential and commercial property, pollution of land and watercourses, water shortages with associated low pressure water supply problems. Water and sewerage undertakers have limited powers under the Water Industry Act to prevent connection ahead of infrastructure upgrades and therefore rely heavily on the planning system to ensure infrastructure is provided ahead of development either through phasing and Local Plan policies or secured via planning conditions.</p> <p>We recommend that developers engage with us at the earliest opportunity to establish their development's demand for water supply, sewage/waste water treatment, surface water drainage and associated network infrastructure (both on and off-site) and whether these needs can be met.</p>	<p>Support welcomed.</p> <p>Comments all noted. Paragraph 4.83 explains the need for developers 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 planning condition, with necessary waste water infrastructure required to be in place prior to occupation of the development.</p>	None required.

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Oxford Science Village Partners	Para 4.21 onwards & DEV3 Transport Infrastructure	<p>The transport section needs to explain that all sites which have an impact upon existing or future capacity need to contribute proportionately to transport infrastructure costs, even when they come forward separately over the Plan period. This is because S106 obligations must be reasonable and justified in relation to the mitigation of a specific impact and, therefore, where impact is being generated by a number of sites, it will be necessary for all sites to contribute, based on their proportionate impact. This avoids certain sites which are delivered later in the Plan period being overburdened by financial contributions. In this regard, we ask that SODC and OCC consider a proportionate equalisation charging mechanism, to ensure that strategic transport infrastructure is delivered on time and that developments benefitting from such spend on infrastructure make fair and proportionate contributions.</p> <p>Furthermore, in relation to the beneficial actions to reduce use of private vehicles being proposed by OCC (i.e. traffic gates and low emissions zones), this policy approach must also be applied to non-vehicular forms of transport i.e. strategic cycle and pedestrian network improvements, in order to ensure that the strategic sites are safely and sustainably connected to the city centre. It is essential that these existing works are successfully delivered and are prioritised through future development in order to help achieve modal shift target reductions and it should be recognised that delivering the infrastructure required to support the Local Plan should play a part in achieving this.</p>	<p>The Evaluation of Transport Impacts undertaken as part of the transport evidence base for Local Development Plans is the first step in identifying capacity and connectivity issues stemming from allocated employment and residential sites on the network that need to be addressed.</p> <p>Where these are the result of the impact of multiple developments allocated within the Local Development Plan, Oxfordshire County Council (OCC) will usually undertake optioneering studies to identify a strategic scheme (i.e. one to funded by multiple developments and to be delivered by OCC) to be delivered once funding is in place.</p> <p>In such instances, OCC and the Local Planning Authority will discuss and agree with the applicant the appropriate identification of a proposed development's transport impact and connectivity requirements through the Transport Assessment associated with the proposal's planning application and thus its financial contribution towards strategic schemes, or direct delivery via S278 legal agreements, in compliance with the three CIL tests:</p> <ul style="list-style-type: none"> • necessary to make the development acceptable in planning terms; • directly related to the development; and • fairly and reasonably related in scale and kind to the development. <p>The need for strategic cycle and pedestrian network improvements is also considered on a site-by-site basis at the detailed planning stage of a development.</p>	None required.

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Countryside Properties	General Strategic Sites and S106 contributions	<p>We agree that it is important to facilitate the provision of such local infrastructure through both the local plan process and subsequent planning permissions to ensure new developments are sustainably implemented for existing and future residents. We consider that in these circumstances the process is best undertaken through Section 106 (and Section 278) agreements. This approach ensures that appropriate developer contributions are provided for the local area, the resultant infrastructure is suitably sized and viable for the proposed developments and that it is delivered in a timely manner to meet the growing needs of the new community. We also recognise the benefits in early engagement with the local planning authority, physical and community infrastructure providers and other stakeholders that such an approach facilitates. Whilst our client's site does not currently form a Strategic Site, we support the recognition, in both the draft SPD and CIL Charging Schedule, that the infrastructure requirements to bring forward strategic sites are considerable and that these sites will deliver their infrastructure requirements fully through S106/S278 requirements. However, we are aware that following adoption of the Local Plan in December 2020, the process of exempting the strategic sites from CIL is only commencing now, some 15 months later, and this process still has some way to run. We would therefore like to see a more timely review of CIL viability and developer contributions, as both the Oxfordshire Plan 2050 and Joint Local Plan 2041 progress.</p>	<p>Support for using S106 and S278 agreements to contribute towards the provision of local infrastructure is welcomed. We note the comments regarding CIL exemption for Strategic Sites and confirm that the forthcoming Joint Local Plan 2041 will set out each districts' housing requirements and potentially identify new Strategic Sites to meet this need over the Plan period. Once this Plan is adopted, we will then consider whether or not we wish to review our CIL Charging Schedule again.</p>	None required.

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Oxford Brookes University	General SPD introduces new policy requirements , not fully examined and scrutinised.	Government's PPG states that policies for planning obligations should be set in plans and be examined in public and that policy requirements should be clear so that they can be accurately accounted for in the price paid for land. It confirms that such policies should be informed by proportionate assessments of viability and that it is <i>'not appropriate for plan-makers to set out new formulaic approaches to planning obligations in supplementary planning documents... as these would not be subject to examination.'</i> The PPG confirms that SPDs should <i>'build upon and provide more detailed advice or guidance on policies in an adopted local plan. As they do not form part of the development plan, they cannot introduce new planning policies into the development plan.'</i> (our emphasis). It also states that they should not <i>'add unnecessarily to the financial burdens on development.'</i> Policy INF1 of the adopted SODC Local Plan 2035 states that: <i>'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.'</i> The University is concerned that the Council is using the SPD as a way to introduce new policy requirements for specific types of infrastructure to be secured by way of planning obligations. In a number of cases these introduce requirements over and above Policy INF1 and beyond the infrastructure requirements identified in the Council's recent Infrastructure Delivery Plan, which formed part of the evidence base for the examination of the Local Plan and for the draft CIL Charging Schedule, which is currently out for consultation. This conflicts with the PPG and poses risks in terms of viability which may not have been fully examined and scrutinised.	We consider that the SPD is in general conformity with (and provides appropriate supplementary guidance to support) our adopted Local Plan policies. However, please refer to our separate responses in relation to DEV5 (Open Space and Play Facilities), DEV11 (Public Realm, Arts and Heritage), DEV12 (Local Employment, Skills and Training) and DEV14 (Biodiversity and Green Infrastructure).	See suggested amendments in relation to DEV5, DEV11, DEV12 and DEV14.
Oxford Brookes University	General S106 costs	The draft SPD includes a number of new infrastructure items, that were previously funded through CIL and are now funded by Section 106 obligations. It is not clear whether the potential increase in S106 obligations has been taken into account in the viability evidence produced to support the draft CIL Charging Schedule.	Yes, we can confirm that the CIL Viability Assessment takes into account the increase in S106 costs arising from the fact that specific infrastructure items (primarily education) will now be funded via S106 rather than CIL.	None required.

Respondent	Para or Section Topic/ Issue	Summary	Council's Response	Council's Proposed Modification
Oxford Brookes University	General 'Double dipping' from Section 106 and CIL.	The draft SPD refers to an adopted 'CIL Spending Strategy'. However, the Council has not yet set out the type of projects and infrastructure that are to be funded in whole or in part by the proposed increase in CIL. On this basis, it is impossible to conclude whether or not its approach would result in 'double dipping' of contributions. Indeed, the Council's own CIL Viability Assessment (2021) notes that <i>the tests set out in Para 57 of the NPPF ensure that local authorities cannot charge S106 or CIL twice ('double-dip') for the same infrastructure, as this would not be fair and reasonable.</i> Without an up-to-date list of projects and infrastructure to be funded in part or whole by CIL, it is impossible to conclude whether the proposed changes to SODC's guidance on planning obligations in the draft Developer Contributions SPD would result in 'double-dipping' contrary to the NPPF.	Amendments to the CIL Regulations in 2019 included removing the requirement for councils to publish a 123 list, specifying which infrastructure items would be covered by CIL and which by S106 contributions. However, the Council's annual Infrastructure Funding Statement now provides information on how CIL and S106 contributions are to be distributed. The most recently adopted statement can be found here: https://www.southoxon.gov.uk/south-oxfordshire-district-council/community-support/infrastructure-to-support-communities/community-infrastructure-levy-or-cil-header-page/community-infrastructure-levy-or-cil/	None required.
Oxford Brookes University	DEV1 Affordable Housing	This is inconsistent with Policy H9 of the Local Plan in terms of the thresholds for provision of affordable housing and clustering.	Paragraphs 4.9 and 4.10 of the SPD are consistent with 2 (vi) of Policy H9 of the Local Plan, which states that 'affordable housing should be indistinguishable in appearance from market housing on site and distributed evenly across the site, with these units being clustered in groups of no more than 15 homes.' Paragraph 4.9 of the SPD provides further clarification on how to interpret the above, explaining that, for strategic sites, clusters of up to 15 dwellings may be acceptable. This would be determined on a site-by-site basis.	None required.
Oxford Brookes University	DEV2 Education	Education was previously funded through CIL but is now proposed to be funded by S106 obligations. In respect of the Wheatley Campus, this conflicts with the Council's IDP (2020) which clearly stated that education requirements arising from the Wheatley Campus would be funded through CIL. The SPD should, therefore, make it clear that any education improvements required in connection with the Wheatley Campus will be funded by CIL. In addition, the Council's current CIL Spending Strategy suggests that 50% of the total CIL receipt is allocated to Oxfordshire County Council including for education improvements. On this basis, we are concerned	The Wheatley Campus scheme already has planning permission, with a signed S106 agreement. As permission was granted on appeal in April 2020, prior to the South Oxfordshire Local Plan being adopted, this development scheme is also CIL liable. However, at the time permission was granted, the s106 agreement did not seek any education contributions (because the current SPD and CIL Charging Schedule were adopted prior to the 2019 amendments to the CIL Regulations which allow the pooling of contributions). Consequently, whilst the developer makes CIL and s106 contributions, its CIL liability will be roughly the same amount as its education contributions through s106 would have been.	None required.

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		that the SPD could result in 'double-dipping' and result in S106 obligations that are not justified.	If a new planning application were to be submitted for the site, the proposals would be considered on their own merits.	
Oxford Brookes University	DEV3 Transport infrastructure	DEV3 states that contributions towards strategic transport infrastructure projects will be secured 'where necessary' in accordance with the Local Plan and Infrastructure Delivery Plan. The Council's current CIL Spending Strategy suggests that 50% of the total CIL receipt is allocated to Oxfordshire County Council including for transport. On this basis, we are concerned that this could result in 'double-dipping' and result in S106 obligations that are not justified.	The County Council applies to the District Council to draw down its funds on an annual basis, when advised of the CIL allocation for the year. SODC assesses all projects to ensure that they are eligible to be supported by CIL, which would include understanding where other funding for the schemes has come from. Changes to the CIL Regulations in 2019 removed pooling restrictions, so both S106 and CIL can now be used towards the same project. However, SODC would not approve a request from OCC for CIL funds from a specific development towards any transport scheme that was already being funded by S106 contributions from that same development. Other CIL funds could, however, still be used towards a specific transport scheme partially funded by S106, if there was a funding shortfall.	None required.
Oxford Brookes University	DEV5 Open Space and Play Facilities	This seeks to introduce an updated formula for the calculation of open space requirements, which appears to conflict with the PPG which states that <i>'it is not appropriate for plan-makers to set out new formulaic approaches to planning obligations in supplementary planning documents or supporting evidence base documents.'</i>	In light of various comments received in relation to DEV5 (Open Space and Play Facilities) and supporting paragraphs 4.33 and 4.34, we propose to amend these to provide greater clarity on how public open space and play facilities contributions will be calculated.	See above for suggested wording amendments to DEV5 and paragraphs 4.33 and 4.34.
Oxford Brookes University	DEV6 Allotments	In terms of strategic sites, DEV6 should make specific reference to <u>'where required by the relevant policy in the adopted Local Plan'</u> . For example, Policy STRAT14 and the IDP identify no specific requirement for allotments at the Wheatley Campus, so on this basis there is no justification for allotment provision here.	DEV6 already states that on-site allotments will be provided on strategic sites <i>where required</i> (our emphasis), so we consider that no further amendment is needed. Wheatley Campus already has planning permission with an agreed S106 agreement, so no further developer contributions will be required (unless the site is the subject of a new planning application).	None required.
Oxford Brookes University	DEV10 Cemeteries	DEV10 states that S106 contributions will be sought where an adopted local plan or neighbourhood plan identifies a need for an allocated site to provide/ contribute towards cemetery space. However, the adopted Local Plan and IDP do not appear to make any	We agree that the adopted Local Plan does not currently identify any need for a new cemetery provision. However, over the lifespan of the SPD it is possible that a Neighbourhood Plan could identify a need and given that, once 'made', Neighbourhood Plans form part of the statutory	None required.

Respondent	Para or Section Topic/ Issue	Summary	Council's Response	Council's Proposed Modification
		reference to cemetery provision. This should, therefore, be removed from the SPD.	development plan for the district, we consider that the wording of DEV10 is appropriate.	
Oxford Brookes University	DEV11 Public Realm, Arts and Heritage	DEV11 is vague and fails to provide clarity to developers over the potential costs associated with these items of infrastructure.	Whilst we do not consider it appropriate to add detailed costings for public realm and/or heritage contributions under DEV11, we do accept that the adopted Local Plan does not contain any specific policy requirements for public art. We are, therefore, proposing amendments to DEV11 to confirm how we will seek contributions towards enhancement of the public realm as part of new development schemes.	Amend DEV11 Blue Box as follows: '...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 S406 the design of the development and secured by conditions . Provision should be integral to any site masterplanning process. Public art will be secured to ensure the creation of high quality, beautiful and sustainable buildings and places and P provision should be integral to any masterplanning process...'
Oxford Brookes University	DEV12 Local Employment, Skills and Training	Despite references to Policy STRAT1 at paragraph 4.56, there does not appear to be any policy basis for large developments to be required to contribute towards employment, training and skills initiatives. The inclusion of this in the SPD is contrary to national guidance and should be removed.	We accept that there is no specific policy covering a requirement for developers to prepare Community Employment Plans in the adopted Local Plan. Consequently, we will delete DEV12 (Local Employment, Skills and Training) and amend paragraph 4.57 to say that, 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. Notwithstanding these changes, the Council will revisit the merits of Community Employment Plans, when considering appropriate new employment policies in our Joint Local Plan.	Delete the DEV12 Blue Box. Amend paragraph 4.57 to read: ' As part of n New development proposals for large and strategic residential and employment sites, developers will be encouraged to should demonstrate how opportunities for local employment, apprenticeships and training can be created and should seek to also encouraged to maximise the opportunities for sourcing local produce, suppliers and services, during both construction and operation.'
Oxford Brookes University	DEV13 Climate Change Mitigation	DEV13 relates to mitigation to be secured by conditions in accordance with the Local Plan. This is of no relevance to a 'Developer Contributions' SPD and should be removed.	We disagree, as by saying that mitigation will be secured by planning conditions, we are providing clarity for developers on what they will be required to contribute towards and through what means.	None required.

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Oxford Brookes University	DEV14 Biodiversity Net Gain	DEV14 suggests that schemes should aim to achieve at least 10% biodiversity net gain. However, there is no policy / legal requirement for 10% net gain until the Environment Act comes into force, which is unlikely to be until 2023. This should be amended accordingly to reflect current policy and legal requirements.	In this SPD we cannot introduce Biodiversity Net Gain requirements that are more stringent than those set out in Policy ENV3 of the adopted South Oxfordshire Local Plan 2035, unless more recent Government legislation supersedes it. We are mindful that the Environment Act 2021 sets a national minimum figure for 10% biodiversity net gain and makes this a mandatory requirement for all development. However, this does not take effect until November 2023 and so we propose to amend paragraphs 4.65 and DEV14 to make this clear.	Amend paragraph 4.65 to read: '...However, the Environment Act 2021, when it comes into effect in November 2023, will now supersedes this, setting a national minimum figure for 10% biodiversity net gain and making this a mandatory requirement for all development...' Also, amend the second paragraph of DEV14 as follows: 'All development must deliver a net gain in biodiversity and once the Environment Act 2021 has come into force , this should aim to must be at least 10% net gain.'
Oxford Brookes University	DEV16 Air Quality	Paragraph 4.73 refers to 'standards' for EV charging point provision. The standards for EV charging provision are dealt with by way of the new Building Regulations. This text should be removed from the draft SPD.	The new Building Regulations have yet to come into force and Policy TRANS5 of the Local Plan requires development proposals to be designed to enable charging of plug-in and low-emission vehicles to support the take up of such vehicles. Consequently, it is relevant for the SPD to make reference to the standards for EV charging provision set out in the Oxfordshire Electric Vehicle Infrastructure Strategy, to which all the Oxfordshire Districts have signed up.	None required.
Oxford Brookes University	General S106 or CIL?	For certain types of infrastructure (e.g. Indoor and Outdoor Sports & Recreation or Fire, Rescue and Police) the SPD is vague and simply suggests that provision will be funded through 'S106 or CIL'. However, this fails to provide clarity for developers over the potential costs associated with these items of infrastructure and whether costs are to be covered by CIL payments. This is inappropriate and inconsistent with national policy and guidance and requires further clarification.	Amendments to the CIL Regulations in 2019 included removing the requirement for councils to publish a 123 list, specifying which infrastructure items would be covered by CIL and which by S106 contributions. The council's annual Infrastructure Funding Statement now provides information on how CIL and S106 contributions are to be distributed. Consequently, saying that certain infrastructure items may be funded through S106 or CIL, is accurate and consistent with legislation.	None required.
Hallam Land Management	Page 9, DEV1 Affordable housing	DEV1 should be amended to allow for alternative acceptable mixes of tenure. It should allow for 40% affordable as a target, subject to viability, site specific and other material considerations.	Criterion 2(i) of H9 of the SOLP states that ' <i>...in circumstances where it can be adequately demonstrated that the level of affordable housing being sought would be unviable, alternative tenure mixes and levels of affordable housing provision may be considered..</i> ' Whilst it is not for the SPD to simply repeat Local Plan policy which already applies, we recognise that development viability can be an issue for	None required.

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			some sites and have addressed this in Section 7 (paras 7.3 to 7.7).	
Hallam Land Management	Page 13, DEV3 Transport infrastructure	Grampian or similar provisions should be excluded from DEV3, being rare rather than seemingly presumed in the wording, to the detriment of the delivery of the Local Plan.	Grampian conditions are a legitimate tool, alongside S106 contributions, to prevent the delivery of development before (usually) necessary off-site infrastructure. Reference is made to Grampian conditions here, as it can be an alternative to a S106 obligation.	None required.
Hallam Land Management	Page 18, DEV8 Health care	There is no need, or justification, to draw a distinction between extra care/nursing and care home development and, on the other hand, other residential development. The enhancement or extension of health care facilities should be funded - in all cases - by CIL. After all the CIL rates draw no distinction between extra care and residential.	Extra-care/nursing and care home development is CIL exempt and consequently developer contributions will be sought from these types of schemes towards health care facilities via S106.	None required.
Hallam Land Management	Page 23, DEV14 Biodiversity Net Gain	It is wholly inappropriate to change local plan policy through the SPD. This is what the introduction of the 10% BNG requirement does. It must be deleted. Any such requirement separate from the Local Plan must come from national requirements not local SPD policy.	In this SPD we cannot introduce Biodiversity Net Gain requirements that are more stringent than those set out in Policy ENV3 of the adopted South Oxfordshire Local Plan 2035, unless more recent Government legislation supersedes it. We are mindful that the Environment Act 2021 sets a national minimum figure for 10% biodiversity net gain and makes this a mandatory requirement for all development. However, this does not take effect until November 2023 and so we propose to amend paragraphs 4.65 and DEV14 to make this clear.	Amend paragraph 4.65 to read: '...However, the Environment Act 2021, when it comes into effect in November 2023, will now supersedes this, setting a national minimum figure for 10% biodiversity net gain and making this a mandatory requirement for all development...' Also, amend the second paragraph of DEV14 as follows: 'All development must deliver a net gain in biodiversity and once the Environment Act 2021 has come into force, this should aim to must be at least 10% net gain.'

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Tony Rayner	General New developments lack parking provision.	In my opinion, the most glaring omission from all housing developments is the lack of provision for the motor car. The result is a huge increase in on-street parking, making it a nightmare to drive around our village and to stop briefly to visit our shops. Parking near the railway station and village school is a particular problem. The church parking area is daily being taken over by parents collecting their children from school. On-pavement parking has also become commonplace. It is not acceptable for the elderly and mothers with prams to be forced into the road in order to pass by.	Parking requirements for new development are determined at the planning application stage and should be in accordance with Oxfordshire County Council's parking standards and relevant Local Plan policies for particular types of development. Paragraph 4.24 of the Draft SPD states that where new developments are to be car free or have low parking provision, the Council will seek s106 obligations towards the additional provision of more sustainable transport infrastructure and/or provision or membership of car share clubs or organisations.	None required.
Didcot Town Council	General	Didcot Town Council's Planning and Development Committee met last night to discuss the CIL Charging Schedule and Developer Contribution SPD consultations. It was resolved to support the documents.	Support welcomed.	None required.
Natural England	General Biodiversity and landscape policy guidance	The topic this draft SPD covers is unlikely to have major impacts on the natural environment. We therefore do not wish to provide specific comments. However, we advise you to consider the following issues: Biodiversity enhancement: This SPD could consider incorporating features which are beneficial to wildlife within development (in line with paragraphs 8, 72, 102, 118, 170, 171, 174 and 175 of the NPPF). For example, you may wish to consider providing guidance on the level of bat roost or bird box provision within the built structure, or other measures to enhance biodiversity in the urban environment. Landscape enhancement: The SPD may also provide opportunities to enhance the character and local distinctiveness of the surrounding natural and built environment; use natural resources more sustainably; and bring benefits for the local community (for example, through green infrastructure provision and access to and contact with nature). Landscape characterisation and townscape assessments, and associated sensitivity and capacity assessments provide tools for planners and developers to consider how new development might make a positive contribution to the character and functions of the landscape through sensitive siting and good design and avoid unacceptable impacts. Protected species: Natural England has produced Standing	Comments welcomed. Whilst too detailed for inclusion in the SPD, we will ensure that Natural England's advice is taken on board, as we progress with the drafting our new Joint Local Plan policies on biodiversity and landscape enhancement.	None required.

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		Advice to help local planning authorities assess the impact of particular developments on protected or priority species.		
Marine Management Organisation	General	No comments on this specific consultation.	Noted.	None required.
Oxfordshire County Council	General	OCC supports the preparation of a revised Developer Contributions SPD and we welcome the changes that have been incorporated, following our comments on earlier drafts.	Support welcomed.	None required.
Oxfordshire County Council	Para 1.5 Clarification point.	Suggest the beginning of sentence is amended to read: ' <i>Developer contributions, both financial and non-financial, are secured from...</i> '. It may not be clear who the 'we' is referring to.	Agree, amend paragraph 1.5 so it is clear that 'we' refers to 'the council'.	Amend para 1.5 to read: ' The Council We secures developer contributions, both financial and non-financial, from...'
Oxfordshire County Council	Page 8 Footnote to INF1	Add a footnote to 'appropriate' in Policy INF1, explaining that infrastructure must meet district and county standards, specifications and current legislation.	Policy INF1 is repeated on page 8 verbatim from the adopted Local Plan, so we cannot amend/ add a footnote as suggested.	None required.
Oxfordshire County Council	Para 4.2	Add (April 2021) after OCC guide and add web link.	Agree, add date of the document and a hyperlink to the county council's website.	Amend para 4.2 to read: '...Information on County Council planning obligations can be found in the Oxfordshire County Council Guide to Developer

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	OCC Guide to Developer Contributions			Contributions (April 2021), available on the County Council's website. ADD HYPERLINK
Oxfordshire County Council	Para 4.24, last sentence. Public transport	Public transport improvements are not restricted to where developments are car-free or have low parking provision– all sites need to ensure good public transport links to minimise car use.	Agree. Public transport and active travel infrastructure are already mentioned in the list of potential site-related transport works required as direct mitigation but could be mentioned earlier in the sentence given their importance.	Amend para 4.24 to read: 'Site-related transport works...(but not be limited to): public transport infrastructure on or adjacent to the site ; works to footpaths/cycleways (including public rights of way); pedestrian and cycle crossings; signage (including cycle routes to local facilities) ; raised kerbs; new junctions; access roads to and within the site; links roads; Traffic Regulation Orders; traffic lights; pedestrian and cycle crossings; signage (including cycle routes to local facilities); public transport infrastructure on or adjacent to the site ; lighting and street furniture...'
Oxfordshire County Council	Para 4.44 - Social and community facilities	Add 'children and family centres and children's homes' to the items listed.	Agree, add 'children and family centres and children's homes' to the list of facilities in para 4.44.	Amend para 4.44 to read: '...adult learning services, children and family centres, children's homes and indoor youth facilities.'
Oxfordshire County Council	DEV7 Social and community facilities	DEV7 states that non-allocated sites will contribute towards social and community facilities via CIL funding. The district's CIL Spending Strategy lists the infrastructure items that will be funded via CIL from the proportion of CIL receipts passed to the County Council. This includes libraries, but no other type of community facility (e.g. children and family centres, children's homes, adult day care and museums). Furthermore, the level of CIL received by OCC is insufficient to cover all OCC needs so it is essential that S106 can be secured for all OCC social and community facilities from all sites (strategic and non-strategic) with CIL used to cover funding gaps. <i>Amend the second sentence to read: 'For other development, improvements to existing county social and community facilities will be sought from s106, with district facilities generally funded through CIL.'</i>	Comments noted. Agree, amend the second sentence of DEV7 as suggested for clarity.	Amend the second sentence of DEV7 to read: 'For other development, improvements to existing county social and community facilities will be sought from s106, with district facilities generally be funded through CIL.'

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Oxfordshire County Council	Para 4.69 Household Waste Recycling Centres	Amend the third sentence as follows: ' <i>The County Council may will require developers to...</i> '	Agree. Amend third sentence of para 4.69 as suggested.	Amend third sentence of para 4.69 to read: '...The County Council will may require developers...'
Oxfordshire County Council	Para 7.11 Indexation	It might not just be the base date of the indexation that is stipulated when costs are prepared. There may also be a base value.	Agree. Amend paragraph 7.11 to reference base value as well as base date of indexation.	Amend third sentence of para 7.11 to read: 'The base date and base value of the indexation will be stipulated when costs are prepared...'
Oxfordshire County Council	Para 7.12 Bonds	A bond will be required for direct delivery of infrastructure e.g. a school or library.	Amend paragraph 7.12 to reflect these comments.	Amend paragraph 7.12 to read: '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 delivery 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. Occasionally In addition, a development will may require the provision 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 protection to ensure the delivery is sought. 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.'
Oxfordshire County Council	Appendix 2, para 6 Approach to negotiating planning obligations	Amend the following sentence to read: ' <i>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 will be of an appropriate size and shape that is suitable for its intended use.'</i>	Agreed. Amend paragraph 6 of Appendix 2 as suggested.	Amend para 6 of Appendix 2 to read: '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 will be of an appropriate size and shape that is suitable for its intended use.'

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Oxfordshire County Council	S106 contributions for education	The SPD provides useful detail to reinforce that funding or in-kind delivery of education infrastructure (including land) will generally be secured through S106. It summarises the approach taken by the County Council in identifying and calculating the need for S106 contributions for education. Further detail is provided in Oxfordshire County Council's Guide to Developer Contributions (April 2021).	Support welcomed.	None required.
Oxfordshire County Council	Page 8, INF1 Forward funding infrastructure	Under (3) of Policy INF1 (Infrastructure Provision), it is helpfully explained that developer contributions will also be sought in circumstances where external funding for infrastructure has been secured (including where the infrastructure is delivered ahead of development), on the expectation that funding shall be recovered from development. This will often be the case for education infrastructure, where the County Council may forward fund provision to ensure it is in place in time to meet the demand arising from development.	Support welcomed.	None required.
Oxfordshire County Council	Para 4.15 Education requirements	The County Council uses its population and pupil forecasting model Popcal to understand what educational requirements will arise from a development. For this reason, please re-phrase para 4.15 to say: <i>'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 so that S106 contributions towards nursery, primary, secondary (including sixth form) and special educational needs can be sought to ascertain what additional school capacities are required to meet demand for nursery and school places as a result of the development.</i>	Agree. Amend paragraph 4.15 as suggested.	Amend para 4.15 to read: '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 so that S106 contributions towards nursery, primary, secondary (including sixth form) and special educational needs can be sought to ascertain what additional school capacities are required to meet demand for nursery and school places as a result of the development. '
Oxfordshire County Council	DEV2 Education	Add 'New' before 'Provision or extension of educational facilities...' DEV2 applies to all developments, whether strategic or not, in stating that education provision will generally be through S106.	Agree. Amend DEV2 to reflect these comments.	Amend DEV2 to read: ' New provision or extension of existing education 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.'

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Oxfordshire County Council	Para 4.20 Education funding - strategic and non-strategic sites.	<p>Para 4.20 makes the distinction between strategic sites identified in the Local Plan, which are exempt from CIL (and therefore only contribute to education provision through S106) and other developments, from which the financial contributions collected through CIL could also be used to fund education facilities where necessary.</p> <p>The intention of this paragraph, combined with DEV2, is clearly that non-strategic sites may be required to pay S106 towards education as well as CIL. However, the wording may not be clear enough as it mentions strategic sites paying S106, potentially raising questions about other non-strategic sites. We therefore suggest that paragraph 4.20 is reworded to read:</p> <p><i>'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.'</i></p>	Agree. Amend paragraph 4.20 as suggested.	<p>Amend paragraph 4.20 to read:</p> <p>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.'</p>
Oxfordshire County Council	Para 4.18 Education	<p>After '<i>..County Council's Property Manual</i>', add '(available on the OCC website)' and the web link (although please note it is currently being updated): https://landlord.oxfordshire.gov.uk/cms/content/s106</p>	Agree, add reference and link to the County Council's Property Manual.	Amend para 4.18 as follows: ' <i>...Information on school site requirements can be found in the County Council's Property Manual (available on the OCC website) ADD HYPERLINK...</i> '
Oxfordshire County Council	Para 4.19 Travel to school by bus	<p>The County Council does not support children having to travel by bus to school, particularly primary school aged children. We suggest para 4.19 is strengthened to reflect this: '<u>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 school spaces 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.</u> In such</p>	Agree, amend paragraph 4.19 as suggested.	Amend para 4.19 to read: ' 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 school spaces 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

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		<i>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.'</i>		obligation. The contribution would reflect the cost of providing the transport for a defined period of time.'
Oxfordshire County Council	Page 2, Exec Summary Provision of 'services'.	Amend second paragraph to read: ' <i>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.'</i>	Agree, amend second paragraph of the Executive Summary as suggested.	Amend second paragraph of Executive Summary to read: ' <i>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.'</i>
Oxfordshire County Council	Page 6, Table 1 Provision of 'services'.	Amend text in the S106 description and use columns to read: ' <i>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.'</i> and ' <i>To secure planning policy requirements (e.g. affordable Housing). To address/mitigate direct impacts of development, including the provision of infrastructure or services.'</i>	Agree, amend Table 1 as suggested.	Amend text in the S106 description and use columns of Table 1 to read: ' <i>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.'</i> and ' <i>To secure planning policy requirements (e.g. affordable Housing). To address/mitigate direct impacts of development, including the provision of infrastructure or services.'</i>
Oxfordshire County Council	Para 4.59 Climate change mitigation	Add the following at the end of paragraph 4.59: ' <i>...and promote the use of low carbon transport.</i> '	Paragraph 4.59 is based on the current text in the NPPF (paragraph 152) so it would not be appropriate to expand as suggested.	None required.

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Oxfordshire County Council	Section 5 New section - Public Transport Infrastructure	We suggest that a new sub-heading is introduced after para 5.13 - <i>Public Transport Infrastructure</i> – and that the following new paragraphs 5.15 to 5.16 are included:(5.14) Where developers are required to directly deliver bus stop infrastructure via a Section 278 agreement, this will be to an agreed County Council specification and may consist of items such as a pole, flag, timetable case and shelter.(5.15) The bus stop pole, flag and timetable case will be owned and maintained by the County Council. Applicants are encouraged to discuss maintenance and responsibility for shelters with the local parish council prior to installation; any which are not accepted by the parish council are usually adopted by the County Council.(5.16) Any Real Time Passenger Information (RTPI) electronic displays secured through Section 106 contributions or a Section 278 agreement will be the responsibility of the County Council.	Information noted. However, we consider that the suggested new paragraphs are too detailed/prescriptive for inclusion in this SPD.	None required.
Oxfordshire County Council	Para 7.11 Provision of 'services'.	Amend para 7.11 to read: <i>'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 of the indexation will be stipulated when costs are prepared. An appropriate index will be used for the type of infrastructure or services sought.'</i>	Agree, amend para 7.11 as suggested.	Amend para 7.11 to read: '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.'
Beechcroft Developments	General Retirement living S106 contributions	Some of the developer contributions referenced in the SPD are not applicable to retirement living e.g. DEV2 (Education) and DEV5 (Play facilities element). The SPD should therefore be updated with a statement confirming that they are not applicable to these types of development.	Agree, amend paragraph 4.34 to clarify that only residential development providing housing where children can reside must provide equipped play space to the appropriate standards. We also suggest amendment to paragraph 4.20 (relating to education contributions), to address this point. [NB: Further amendments to paragraph 4.20 have also been made in relation to comments from Oxfordshire County Council - see below.]	Amend para 4.34 (to become 4.35) as follows: 'Informal open space 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. and overall play provision will be calculated using the following formulae: Usable public open space = No. of dwellings x (residential occupation/1000 x 1.4ha) Play provision = No. of dwellings x (residential occupation/1000 x 0.55ha) Amend paragraph 4.20 to read:

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				<p>'All development that generates pupils will be assessed for providing education contributions, which 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.'</p>
Beechcroft Developments	General Standardised wording for the DEV boxes	For all other contributions, each policy should contain the following generic statement as already provided under DEV7 Social and Community Facilities: <i>'Allocated Local Plan sites will provide [insert contribution type] either on-site, where required in the infrastructure Delivery Plan, or contribute to off-site provision through S106. For all other development, improvements to [insert contribution type] will generally be funded through CIL.'</i>	We have considered the different infrastructure typologies on an individual basis and each DEV blue box explains the specific developer requirements and how these will be funded. Generic wording for all infrastructure typologies would not be appropriate.	None required.
Beechcroft Developments	DEV1 No First Homes requirement for retirement schemes	The Council's affordable housing requirement (i.e. 40% to be delivered on sites of 10 or more dwellings, or where there is a net gain of 10 or more self-contained units for C2 or C3 development) is accepted having been the subject of public examination through the adopted Local Plan. However, as currently worded, DEV1 states that affordable housing will be expected to be delivered with a tenure split of 25% First Homes, 35% Social Rent, 25% Affordable Rent and 15% Other Routes to Affordable Home Ownership. With respect to retirement living, First Homes are not applicable (as clarified by the NPPF and the relevant Ministerial Statement). DEV1 therefore needs to be amended to reflect this and clarify what form of low-cost retirement home ownership is expected to be delivered in its place. Beechcroft consider discount market sales (DMS) or off-site contributions to be appropriate.	<p>We acknowledge that specialist accommodation (such as purpose-built accommodation for the elderly or students) is exempt from the First Homes tenure requirements, in accordance with paragraphs 64 and 65 of the NPPF.</p> <p>Consequently, DEV1 requires amendment to clarify that retirement housing schemes are exempt from providing First Homes and, for such schemes, prospective developers and the Council will need to agree a suitable tenure mix on a case- by-case basis.</p>	<p>Add a new third paragraph to DEV1 to read:</p> <p>'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.'</p>

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Beechcroft Developments	DEV1 & para 4.8 Up to date housing needs assessments to determine need and tenure requirements	<p>The supporting text to DEV1 at para 4.8 suggests some flexibility over delivery of affordable housing in relation to specialist accommodation, stating that <i>'The Council will work with Oxfordshire County Council and developers to secure and deliver this provision, in accordance with local need'</i>. We fully support the Council's commitment to assessing local need in determining the correct form of retirement affordable housing to be delivered on specific sites. However, the Council's evidence base is not currently sufficient to assess that need, for the following reasons: (1) Policy H9 of the Local Plan seeks a specified mix of tenures, which is replicated by DEV1. H9 was informed by the SHMA which only considers the tenure mix needed on general housing and not retirement living. Its findings are therefore not directly relevant; and (2) Since the adoption of the Local Plan, a number of Neighbourhood Plans have been adopted (for example Chinnor in May 2021) which take precedence over Policy H9. Such Neighbourhood Plans require housing mixes that specifically reflect local needs. In the absence of an up-to-date needs assessment by the Council, Beechcroft's planning applications are supported by site specific Housing Needs Assessments for retirement living which identify the tenure mix that is deemed to be appropriate to meet local need.</p> <p>Given the above, it is recommended that the following amendments are incorporated into DEV1 and the supporting text to allow flexibility over retirement housing need, tenure and delivery: DEV1 (second clause):</p> <p><i>'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%. The exception is retirement living which at the application stage can be supported by up-to-date site-specific Housing Needs Assessments to determine need and tenure requirements, and where the provision of First Homes is not applicable.</i></p> <p><i>'Para 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). The Council will work with Oxfordshire County Council</i></p>	<p>Paragraph 4.8 relates specifically to affordable extra care and specialist housing for vulnerable groups, so the reference to 'in accordance with local need' only applies here to these types of specialist accommodation and <u>not</u> to general retirement housing schemes.</p> <p>For clarity, we suggest that the second sentence of paragraph 4.8 is reworded as follows:</p> <p>'...Oxfordshire County Council advises on the local need for these specific types of housing schemes and the district council The Council will work with the Oxfordshire county council and developers to secure and deliver this provision, in accordance with local need...</p> <p>When considering retirement scheme proposals, Policy H9 of the Local Plan and any made Neighbourhood Plan policies form the statutory Development Plan for decision taking. DEV1 of the SPD builds upon and provides more detailed advice or guidance. Any 'made' Neighbourhood Plans with affordable housing/tenure mix policies will be relevant as they form part of the statutory development plan. The latter NDP policy would not, however, automatically take precedence over Policy H9 as the Local Plan (and its evidence base) was recently examined and found to be sound.</p> <p>As noted in our comments above, DEV1 requires amendment in relation to First Homes.</p> <p>Furthermore, in the absence of any up-to-date local evidence on housing needs for the elderly, the Council will seek to be flexible over tenure and delivery of elderly persons accommodation, considering proposals on a case-by-case basis.</p>	<p>Second sentence of paragraph 4.8 to read: '...Oxfordshire County Council advises on the local need for these specific types of housing schemes and the district council The Council will work with the Oxfordshire county council and developers to secure and deliver this provision, in accordance with local need...</p> <p>Add a new third paragraph to DEV1 to read:</p> <p>'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.'</p>

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		<p><i>and developers to secure and deliver this provision, in accordance with local need informed by up-to-date site-specific Housing Needs Assessment that address both need and tenure requirements. In schemes over ten dwellings (and in all affordable housing), development must meet accessibility standards in accordance with Policy H11.'</i></p>		
Beechcroft Developments	<p>DEV1 & para 4.11</p> <p>Cascade approach to tenure mix for retirement developments</p>	<p>DEV1 also fails to provide sufficient flexibility post planning approval. Retirement living is notoriously difficult to dispose of with Registered Providers due to the age restrictions and increased service charges compared to standard housing. As such, for schemes to be truly viable and deliverable, we consider that there needs to be more flexibility in circumstances where affordable housing cannot be delivered in its originally intended form. A cascade mechanism within S106 Agreements would allow a specific tenure mix to be agreed with the Council at the application stage, based on identified local need. Then, in the event that the Council's preferred Registered Providers were unwilling to take on the affordable housing element, if evidence is provided to that effect, the units would automatically revert to Discount Market Sales (DMS) or an off-site contribution. Indeed, we consider that for retirement living on sites of less than 25 units, any affordable provision should generally be in the form of DMS or an off-site contribution, as the scale is simply too small for Registered Providers. This is a method used widely and accepted by other local planning authorities and the Council has accepted the principles of this fallback position on a current appeal in Chinnor. Para 4.11 of the SPD should therefore be amended as follows:</p> <p><i>'Affordable housing should be provided on-site, except where there is a fractional requirement (e.g. 4.5 dwellings) , or where agreed with the Council as a result of the submission of housing needs evidence in relation to retirement living. In such instances, the fractional portion (i.e. the 0.5 in this example) will be secured as an off-site contribution.'</i></p> <p>Further supporting text should also set out the proposed cascade approach to retirement affordable housing in the event the Council's Registered Providers do not want to take on the tenure mix secured through S106 Agreements:</p>	<p>There is no need to amend paragraph 4.11, as retirement living is not an exception in the intended sense of the paragraph (i.e. seeking off-site contributions where there is a fractional requirement for individual affordable homes). We note the request being made for the Council to adopt a cascade approach to tenure mix for retirement developments. However, there are Registered Providers operating in South Oxfordshire who do provide age restricted housing accommodation and it would be for the applicant to discuss the terms of the Section 106 agreement, on the basis of site-specific evidence on viability and deliverability, if it was considered that the intended tenure mix required amendment.</p>	None required.

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		'With respect to retirement living, if evidence can be provided to the Council that Registered Providers are not willing to take on the tenure mix specified in site specific S106 Agreements, such Agreements will include a cascade mechanism where the fallback position is either discount market sales (DMS) or an off-site contribution.'		
Beechcroft Developments	Paras 4.9 & 4.10 Distribution of affordable housing	Paragraph 4.10 states that affordable housing should be indistinguishable from market housing. Consequently, we see no reasoned justification as to why there should be a prescribed limit on cluster size or proximity within a perimeter block, as set out in paragraph 4.9 and we recommend that all references to maximum cluster sizes and locations with perimeter blocks are removed.	Paragraph 4.9 is consistent with the provisions of Policy H9 of the adopted Local Plan, which seeks to achieve mixed and balanced communities.	None required.
Beechcroft Developments	DEV5 Off-site open space provision for smaller sites.	It is clear that DEV5 (and Policy CF5 of the Local Plan) are geared towards the delivery of strategic allocations and large-scale major development sites (say over 100 dwellings) and envisage that in certain circumstances, particularly on smaller sites, on-site provision is not feasible or appropriate. This is particularly relevant for retirement living schemes which are generally located on brownfield sites within or close to the centre of towns in highly sustainable locations. In such locations, which are generally less than a hectare in size, there is a need to make the most effective use of land and as a result, on-site provision of open space is generally not possible or feasible. DEV5 should, therefore be amended to make it clear that on-site provision of Open Space and Play Facilities are expected to be delivered on strategic allocations and large-scale major developments (over 100 units), but on smaller developments off-site mitigation is likely to be more appropriate.	We are proposing amendments to DEV5 and paragraphs 4.33 and 4.34, which will provide greater clarity on open space and play facilities requirements. In particular, we suggest that paragraph 4.33 should be amended to clarify that Section 106 contributions for the enhancement of open 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 that all greenfield development must provide additional new public open space. Open space should be available for the public to use. An exception may be made for elderly persons accommodation where the open space may be provided for private use. We therefore propose to make amendments to paragraph 4.34 for clarification.	See above for suggested wording amendments to DEV5 and paragraphs 4.33 and 4.34.
Beechcroft Developments	DEV5 Equipped play space contributions not required from	We welcome the Council's approach to Open Space and Play Facilities, with the reliance on the most up to date standards set out in the Council's Open Space Study being key to the correct assessment and application of the SPD. However, given the nature and occupiers of retirement living schemes, the equipped playing space and provision for teenage/young people	Agree, amend paragraph 4.34 to clarify that only residential development providing housing where children can reside must provide equipped play space to the appropriate standards.	See above for suggested wording amendments for paragraph 4.34.

Respondent	Para or Section Topic/ Issue	Summary	Council's Response	Council's Proposed Modification
	retirement schemes.	are not relevant and DEV5 should be amended to make that clear.		
Beechcroft Developments	DEV5 Open Space contributions only applicable where there is an identified local deficit.	With regard to informal open space and amenity green space, the Council's Open Space Strategy (Jan 2017) states (at page 39) that a proportion of the listed settlements did in fact have a surplus of informal open space provision. CIL Regulation 122 requires infrastructure delivery through S106 to be ' <i>necessary to make a development acceptable in planning terms</i> ', so DEV5 should be amended to make it clear that open space contributions will only be applicable on smaller sites, if the most up to date evidence identifies a local deficit.	Policy CF5 of the adopted Local Plan requires <u>all</u> new residential development to provide or contribute towards inclusive and accessible open space, not just in locations where there is a deficit. Consequently, no changes are required to DEV5 in response to these comments. We are, however, proposing some new wording to paragraph 4.33 to provide greater clarity on how the council will seek open space contributions. We also propose to remove the words ' <i>...and the accessibility of other provision within the locality</i> ', as it is not applicable to the assessment of open space requirements. It does, however, still apply in relation to play space requirements.	Amend paragraph 4.33 to read: 'Open space for informal amenity and parks and 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 and informal amenity areas will be based on Policy CF5 and the Open Spaces Study standards assessed on a site-by-site basis, having regard to the above Open Spaces Study standards and taking into account: features of the site; the nature of the development; and the accessibility of other provision within the locality. Natural space for biodiversity will, in general, be additional to informal amenity space. Section 106 contributions for the enhancement of open 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.'
Beechcroft Developments	DEV5, paras 4.33 & 4.34 SPDs cannot introduce new formulae for calculating contributions	There appears to be conflict between DEV5, which sets out a formula for calculating how open space should be provided and the supporting text in para 4.33 which states: ' <i>The need for open space and informal amenity areas will be assessed on a site-by site basis, having regard to the above Open Spaces Study standard and taking into account: features of the site; the nature of the development; and the accessibility of other provision within the locality.</i> ' Furthermore, Government's Planning Practice Guidance confirms that it is not appropriate for plan-makers to set out new formulaic approaches to planning obligations in supplementary planning documents, as these would not be subject to examination. DEV 5 therefore requires further amendment, removing reference to any formulaic approach for the calculation of open space.	Agree. We propose to remove the formulae from paragraph 4.34 and make amendments to DEV5 and supporting paragraphs, for clarity.	See above for suggested wording amendments to DEV5 and paragraphs 4.28, 4.33, 4.34, 4.38, 4.62 and footnotes to paragraphs 4.32 and 4.41.
Beechcroft Developments		Crucially, DEV5 fails to specify what constitutes open space. This is key in providing both the Council and applicants of what can be included in Open Space calculations. Interestingly, the	The SPD cannot anticipate all the varied types of open space and developer requirements must therefore be assessed on a site-by-site basis. However, we propose to include additional text in	Amend paragraph 4.35 to read: ' <i>...Open space should not be located where users would be subject to</i>

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		<p>Council's Design Guide, Policies CF5 and DES5 of the Local Plan, DEV5 of the SPD and the Open Space Strategy (Jan 2017) are all silent on what can be included in amenity and open space calculations, and there is no policy or guidance that suggests amenity space within a development cannot contribute towards open space provision or that it should only comprise open lawn and should exclude landscaped areas. The supporting text to DEV5 should therefore include a broad definition of open space (based on the High Court Fraser Judgement dated 11.02.21, which confirmed the courts' view on what constitutes open space) as follows: 'Open space will be assessed on a site-by-site basis but can comprise public open space (i.e. space which is available for use by the public generally) or private open space (space which may not be available for use by the public at large). There can be different types of private open space including communal open space (i.e. space which is only available for communal use by residents of a particular development or area such as a shared garden) or more private open space, not available for communal use (such as a private garden). Open space can include open grassland, landscaping and other forms of visual amenity/infrastructure such as drainage basins/attenuation features.'</p>	<p>paragraph 4.35 to explain that areas of drainage attenuation are unusable as open space and cannot be considered as such.</p>	<p>unacceptable noise levels or in areas of drainage attenuation which are unusable as open space.'</p>
Beechcroft Developments	Para 5.1 Management and maintenance of infrastructure	<p>Generally, in the case of Beechcroft developments, there would be an appointed site manager, with a management and maintenance scheme agreed for the site. We are therefore supportive of the Council's approach with respect to on-site infrastructure, as set out under paragraph 5.1.</p>	<p>Support welcomed.</p>	<p>None required.</p>
Beechcroft Developments	Section 7 Negotiation and administration of planning obligations	<p>The standard approach to dealing with viability in line with the PPG guidance is noted and acknowledged. However, no consideration has been given to the increased costs associated with developing brownfield sites. Paragraph 120 of the NPPF is very clear that planning decisions should <i>'give substantial weight to the value of using suitable brownfield land within settlements for homes and other identified needs.'</i> Many of the sites which we develop are brownfield land within</p>	<p>Development viability across the district has been tested taking into account greenfield and brownfield locations, CIL charges and likely S106 costs. The increased costs of developing brownfield land are recognised in the viability work.</p>	<p>None required.</p>

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		settlements, which have their own increased costs associated with development. The SPD should therefore be amended to highlight the implications of redeveloping brownfield sites and the increased costs associated with such.		
Beechcroft Developments	Section 7 Vacant Building Credit	No consideration is given to Vacant Building Credit (VBC). Paragraph 64 of the NPPF states that ' <i>To support the re-use of brownfield land, where vacant buildings are being reused or redeveloped, any affordable housing contribution due should be reduced by a proportionate amount.</i> ' Further information is given on how this should be calculated within the PPG. Given this emphasis, the SPD (within both the 'affordable housing' and 'negotiation and administration of planning obligations' sections of the document) should clearly set out its support for VBC and explain that development on brownfield sites should be treated favourably in line with the Government policy.	This applies on case-by-case basis and is applied at the planning application stage. It is a separate regulation and is not covered in a S106 agreement.	None required.
Bioabundance CIC	DEV1 Affordable housing	Please make clear that strategic sites allocated to meet higher housing demand on the edge of Oxford will have higher Affordable Housing requirements. This is in the Local Plan, but developers may quote the SPD in arguing for a lower requirement.	Agreed. DEV1 requires amendment to state that, in accordance with Policies H9, the strategic sites adjacent to Oxford City (STRAT11 - Land South of Grenoble Road, STRAT12 - Land at Northfield and STRAT13 - Land North of Bayswater Brook) will provide 50% affordable housing. Strictly speaking, all sites adjacent to Oxford City with a net gain of 10 dwellings (or a site area of 0.5 ha or more) are required to provide 50% affordable housing, in line with Policy H9. However, in practice, the only major housing sites that are likely to receive planning permission on the edge of Oxford are those allocated in the adopted Local Plan (i.e. the above mentioned strategic sites). Other sites are protected by Green Belt and the likelihood of these receiving planning permission for speculative development is low.	Amend DEV1 to read: '...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...'
Bioabundance CIC	DEV3 Transport infrastructure	The SPD needs to make clear that developers will need to contribute to investment in a strategic mass-transit network to enable longer car journeys to be replaced by public transport. This may be via CIL or s106. It is needed because the move away from reliance on cars for longer	Collective contributions towards strategic mass-transit networks would be made via CIL rather than S106, as the latter is used to fund direct mitigation of the transport impacts of individual sites. The Council's current CIL Spending Strategy (April 2021) highlights that 50% of total	None required.

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		journeys will need strategic, linked-up rail and bus services and infrastructure to enable varied journeys across the County. By its very nature this cannot be built up in a piecemeal way- a network with significant gaps is not working!	CIL receipts in South Oxfordshire are transferred to Oxfordshire County Council, who determine what specific infrastructure items they intend to fund from their allocation (including transport schemes).	
Bioabundance CIC	DEV6 Allotments	DEV6 needs strengthening to require all developments to provide allotments. With food insecurity due to climate change and world events (and growing demand for allotments), all development should provide allotments, not just 'where required'.	DEV6 cannot introduce more stringent developer requirements than set out in the adopted Local Plan and its associated evidence base documents. However, as we prepare our Joint Local Plan, we will be commissioning various new studies (including looking at green infrastructure requirements) and our emerging policies will need to reflect what the evidence tells us about future needs e.g. for more allotment provision.	None required.
Bioabundance CIC	DEV13 Climate Change Mitigation	As part of implementing the Local Plan policy on shift to Zero Carbon for house building, can we dictate that (even at the first lower % reduction in carbon emissions) gas boilers are not allowed? Government policy is to phase out gas heating of dwellings, so we need to ensure homeowners are not left with considerable costs of converting a newly built home. We need policy wording to require new dwellings to incorporate straight away those energy and water saving features which are hard to fit retrospectively. Again as part of the Local Plan policy shift to Zero Carbon, are we able to specify that measures, which are the most difficult to retro-fit, form part of the lower % target? A vital part of low carbon dwellings is ground insulation and piped underwater heating to make air or ground-source heat pump heating viable. Another feature is to lower water use by rainfall collection and links into a dirty water system. These are best built-in to the dwelling during construction. Is there any scope in Local Plan policies to mandate Zero carbon construction? If so, we would want to see this introduced over the first 10 years of the Local Plan period.	Comments noted. The SPD cannot introduce more stringent developer requirements than those already required under adopted Local Plan policy. However, we are currently in the early stages of developing our new Joint Local Plan, which will include policies that will help to address climate change and also ensure that, through planning, the council can respond effectively to the climate emergency (for example through the design and construction of new developments). We will consider your comments in the development of these policies. You may also be interested to hear that both councils are also working with other councils and organisations across Oxfordshire to identify net zero carbon opportunities through the Pathways to a Zero Carbon Oxfordshire initiative. Further details can be found here: https://www.eci.ox.ac.uk/publications/downloads/PazCo-final.pdf .	None required.
Bioabundance CIC	DEV16 Air Quality	The supporting text should include reference to the Oxford AQMA. The strategic sites in the Local Plan adjacent to Oxford will potentially impact the air quality in the Oxford AQMA. We should be banning the installation of wood stoves or open fires. The PM10 pollution is so	We agree that reference should be made to the 'City of Oxford Air Quality Management Area (AQMA)' in paragraph 4.71 for the reason given in this representation. The SPD cannot introduce more stringent developer requirements than those already required under adopted Local Plan policy.	Amend paragraph 4.71 to read: '...on the Council's website. ⁶ There is also an AQMA in place covering the whole of Oxford City. Further information can be found on the Oxford City Council website⁷.

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		significant that conditions need to be used to stop new polluting appliances.	However, we are currently in the early stages of developing our new Joint Local Plan, which will include policies that will help to address climate change and also ensure that, through planning, the council can respond effectively to the climate emergency (for example through the design and construction of new developments).	Add footnote 7 with a link to: https://www.oxford.gov.uk/info/20216/air_quality_management/206/air_quality_management_in_oxford/3
Bioabundance CIC	Page 27, para 4.83 Sewage infrastructure	Make it a pre-commencement condition instead of a pre-Occupation condition that sewage capacity is built-in and available to handle the development's sewage. Enforcement before commencement of work is much more enforceable, since the developer will not have paid out building costs and homes will not be left built, but standing empty, despite housing need.	It is not possible for sewerage water treatment infrastructure to be completed prior to commencement of development. The provision of such infrastructure must be phased in accordance with the respective development and agreed with the statutory water supplier.	None required.
Canal and River Trust	General	Based on the information available, the Trust has no comments to make.	Comments noted.	None required.
Highways England	General	We have reviewed the consultation documents and have no comments. However, please continue to consult us on matters relating to the Joint Local Plan.	Comments noted.	None required.
Coal Authority	N/A	South Oxfordshire District Council lies outside the defined coalfield and therefore the Coal Authority has no specific comments to make on your Local Plans / SPDs. In the spirit of ensuring efficiency of resources and proportionality, it will not be necessary for the Council to provide the Coal Authority with any future drafts or updates to the emerging Plans. This letter can be used as evidence for the legal and procedural consultation requirements at examination, if necessary.	Comments noted.	None required.

