

The Oxfordshire County Council
Developer Guide
to
Infrastructure Delivery and Contributions



Consultation Draft

January 2019

[Created by: Infrastructure Funding Team](#)

Consultation Draft

Contents

Contents	3
1 Introduction.....	6
1.1 The purpose of this guide	6
1.2 Infrastructure and Services covered in this guide	7
1.3 Review and Monitoring.....	8
1.4 Further Information	8
2 The Planning and Legal Context	9
2.1 National Policy	9
2.2 Oxfordshire County Council Context	9
2.3 District Council Context	9
2.4 Neighbourhood Plans.....	10
2.5 The Legal Framework.....	11
3 Funding Delivery Mechanisms.....	12
3.1 Types of Agreements, Obligations and Conditions.....	12
3.2 CIL Background.....	14
3.3 CIL and Section 106.....	14
4 Guidance relating to all developments – Pre- application and Application stage.....	15
4.1 Thresholds.....	15
4.2 Population Assessment.....	15
4.3 Pre-application advice.....	17
5 S106 Agreement process	19
5.1 Start of the S106 process and heads of terms	19
5.2 Phasing of Infrastructure and Timing of Payments.....	19
5.3 Land, buildings and contributions in kind	19
5.4 Legal Agreements to transfer land	20
5.5 Direct delivery of infrastructure	20
5.6 Viability	21
5.7 Indexation	22
5.8 Securing payment of deferred contributions	23
5.9 Fees	23
6 Once an Agreement is completed	26
6.1 Enforcement	26
7 Infrastructure Requirements.....	27

7.1	Education	27
7.1.1	School Places.....	27
7.1.2	Early Years and Childcare	28
7.2	Early Years, Childcare, Primary and Secondary education sufficiency	29
7.3	Provision of a New School.....	33
7.3.1	Expansion of existing schools.....	37
7.4	Special Educational Needs and Disabilities Provision (SEND).....	39
7.5	Extra Care and Specialist Care housing.....	40
7.6	Transportation	42
7.6.1	Highways	42
7.6.2	Travel Planning.....	48
7.6.3	Healthy and Active Travel	50
7.6.4	Public Transport Services and Infrastructure.....	52
7.7	Protecting and Enhancing the Environment.....	55
7.7.1	Public Rights of Way.....	55
7.7.2	Waste Management.....	58
7.7.3	Energy efficiency and use of natural resources	59
7.7.4	Natural Environment.....	60
7.7.5	Flood and Water Management and Sustainable Drainage Systems.....	63
7.7.6	Archaeology	64
7.8	Fire and Rescue Infrastructure.....	66
7.9	Community Services.....	68
8	Appendices	69
8.1	Appendix 1 - Glossary	69

Foreword



Oxfordshire County Council has prepared this Oxfordshire County Council Developer Guide to Infrastructure Delivery and Contributions (the Guide) to make clear to all stakeholders the requirements towards infrastructure and services that will be expected alongside new development, providing clarity particularly for landowners and developers but also others including the District Councils and Town and Parish Councils across the County.

This Guide contributes towards meeting our intentions to deliver a strong and thriving economy, delivering the infrastructure that enables and supports growth across Oxfordshire. When developments take place, they frequently bring with them impacts on the local physical and social infrastructure which must be addressed to make the development acceptable in planning terms.

Where the County Council is responsible for delivering specific infrastructure and services, we need to make sure that new developments do not adversely impact upon the capacity of those services, or our ability to deliver them.

The level of infrastructure and services addressed in this Guide are those appropriate to the County Council. It is published to supplement the various infrastructure guidance provided at District level.

Councillor Yvonne Constance OBE
Cabinet Member for Environment (including Transport)

How to get involved:

The Draft Developer Guide can be viewed on line at [www. Oxfordshire.gov.uk](http://www.Oxfordshire.gov.uk)

Comments should be made through the e-consult portal at <https://consultations.oxfordshire.gov.uk> , or can be emailed to developer.funding4@oxfordshire.gov.uk by 4pm on 4th March 2019

Next steps:

Following this consultation, comments received will be considered and any changes incorporated into the Guide. A final version of the Guide will be presented to the Cabinet Member for Environment and Transport for adoption as Council Policy in April 2019. Once adopted it will form a material consideration for planning applications.

1 Introduction

1.1 The purpose of this guide

The purpose of this Guide is to:

- set out the requirements, obligations and conditions the County Council may seek in association with development proposals to mitigate against the impact upon the services and infrastructure for which it has statutory responsibility; and,
- provide a fair, consistent and transparent basis for securing county council related S106 planning obligations throughout Oxfordshire.

This document will remain a **Guide**, to be used as a starting point to help inform developers and other interested parties as to the likely infrastructure requirements in association with new development. The Guide should be read in conjunction with the National Planning Policy Framework, relevant Local Plan policies, Community Infrastructure Levy (CIL) Documents and Supplementary Planning Documents produced by the City and District Councils (referred to as 'the District Councils'). This document focuses primarily on planning obligations and not on CIL which is essentially a matter in Oxfordshire for the District Councils as CIL Charging Authorities.

The County Council will provide appropriate justification for any planning obligation it seeks in line with legal tests. Contributions, or the provision of infrastructure will only be sought where, following an assessment of an individual proposal, they are considered necessary to mitigate negative effects and to ensure its sustainability. Developers (also covered by the term 'applicant' in this Guide) will normally be expected to enter into a legal agreement with the County Council regarding the planning obligations required.

Each development will be considered on a case by case basis using the guidance set out in this and other supporting documents referenced in this Guide. Potential applicants are therefore

Infrastructure covered in this Guide**Education**

- Early Years and Childcare
- Primary Schools provision
- Secondary Schools provision including sixth form
- Special Educational Needs Schools provision

Housing

- Extra Care Housing provision¹

Transport

- Highways infrastructure and travel planning
- Public Transport and infrastructure
- Healthy and Active travel
- Public Rights of Way
- Strategic Waste Management (treatment, disposal, & reuse)
- Energy efficiency and use of Natural resources
- Natural Environment
- Strategic Flood and Water Management and Sustainable Drainage Systems
- Archaeology
- Fire and rescue infrastructure including hydrants, fire stations
- Community Services (Libraries, Museums, Adult Day Care)

requested to start early engagement with the District Councils and the County Council to ascertain if there will be a need for additional infrastructure and services.

A number of more detailed supporting documents have been produced alongside this Guide. These are available on the County Council website and are signposted in this document as appropriate. Additional supporting documents may also be produced, or existing ones updated over time.

Appendix 1 sets out a [Glossary](#) of Terms used in this Guide.

1.2 Infrastructure and Services covered in this guide

This Guide applies to the following infrastructure and services related to **Oxfordshire County Council** responsibilities

¹ There are a number of providers of Extra Care housing and the County Council will work closely with the District Councils in the delivery of Extra Care proposals.

This Guide deals only with the infrastructure and services that Oxfordshire County Council may seek funding for as a result of development. It does not deal with funding sought by District Councils. Advice and guidance can be found in the District Councils individual websites and infrastructure documentation.

1.3 Review and Monitoring

This Guide will be subject to subsequent reviews to ensure that the information presented is accurate.

The Government is reviewing the approach to developer contributions and to the Community Infrastructure Levy, and these changes once adopted may require subsequent amendments to this Guide.

1.4 Further Information

For further information on the Guide, please contact developer.funding4@oxfordshire.gov.uk or visit our website at <https://www.oxfordshire.gov.uk> – search developer guide

2 The Planning and Legal Context

2.1 National Policy

The National Planning Policy Framework (NPPF)² was revised in July 2018 and defines a planning obligation as being “A legal agreement entered into under section 106 of the Town and Country Planning Act 1990 to mitigate the impacts of a development proposal”.

The NPPF makes clear that planning obligations should only be sought where they meet all the following tests:

- 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.

2.2 Oxfordshire County Council Context

Within Oxfordshire, a two-tier system of local government applies. The County Council is responsible for certain services, such as Education, Libraries, Highways and Transport Infrastructure, Waste Disposal, Adult Social Care, Children’s Services, Flood Mitigation and Fire Services. Other services, such as the negotiation of affordable housing and provision of waste collection, fall to the District Councils. In a planning context, the District Councils are the relevant Local Planning Authority for determining the vast majority of planning applications, and are ultimately responsible for granting planning consents and deciding what requirements should be placed upon a developer through planning conditions and S106 planning obligations. For the purposes of section 106 of the Town and Country Planning Act the County Council qualifies as a local planning authority for all applications.

The County Council has a statutory duty to prepare Minerals and Waste Local Plans and is the Local Planning Authority responsible for determining planning applications for All development proposals related to its functions.

2.3 District Council Context

Local Plans, along with any ‘made’ neighbourhood plans provide the local policy framework for planning decision making. Local Plans in Oxfordshire are at varying stages of preparation. Where it is intended to allocate sites for development in a Local Plan, an assessment will be required of the impacts of the proposals on infrastructure and services and include any mitigation measures including how they will be funded and delivered. The County Council would welcome early involvement in the site allocation process in Local Plan development.

Local plans may contain policies on infrastructure requirements and planning obligations. In addition, several Local Planning Authorities have Supplementary Planning Documents (SPDs) covering planning obligations on a range of issues which relate to district matters such as affordable housing or open space provision, as well as County Council responsibilities. This Guide will sit alongside existing SPDs and provide up to date information relating to the County Councils responsibilities. This document may also help inform the review or preparation of any new SPDs by the Local Planning Authority.

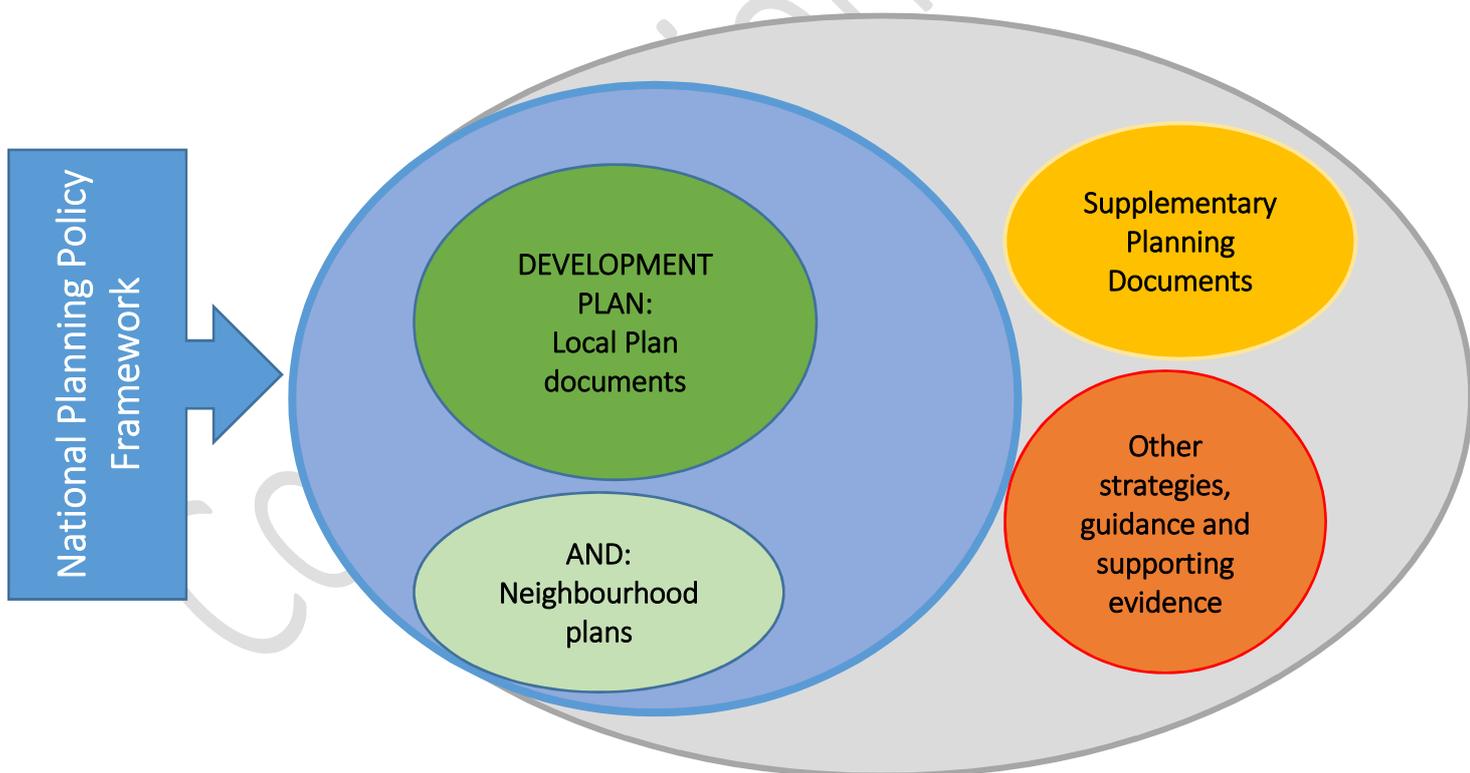
² <https://www.gov.uk/government/publications/national-planning-policy-framework--2>

District Councils are also responsible for preparing a Community Infrastructure Levy (CIL) Charging Schedule where they choose to do so. Whilst each District's CIL Charging Schedule and Reg 123 list may be different, this will direct how contributions towards infrastructure will be sought from development at the district level. Further comment on CIL and how this impacts on the way in which infrastructure can be funded can be found in Section 3 of this Guide.

Links to each of the Districts' Local Plans and CIL webpages can be found in Appendix 2.

The County Council is committed to working with Oxfordshire Local Enterprise Partnership (LEP) and the District Councils to provide opportunities for local people in terms of skills, training and employment and to develop the economy of Oxfordshire. The LEP may seek **Community Employment Plans (CEP)** on new development sites above a defined threshold (1,000 dwellings or 4,000 sqm commercial floorspace) and this may be requested via a County Council response to a planning application. The decision as to whether a CEP is necessary will be made by the corresponding District Council.

Figure 1: The Relationship between National Planning Policy, the Development Plan and supporting guidance



2.4 Neighbourhood Plans

Many communities across Oxfordshire have taken the opportunity to influence the future development of their local areas through the preparation of neighbourhood plans. Depending

on the content of these, but particularly where sites are being proposed for development, there may be an impact upon County Council related infrastructure.

Where it is intended to allocate development sites in neighbourhood plans an assessment will be required of the impacts of the proposals on infrastructure & services and include any necessary mitigation measures and how they will be funded and delivered. The County Council has prepared a toolkit for communities preparing neighbourhood plans which can help to identify the support and advice that can be provided.

<https://www.oxfordshire.gov.uk/cms/sites/default/files/folders/documents/environmentandplanning/planning/planningpolicy/neighbourhoodplanning/NeighbourhoodPlanningToolkit.pdf>

2.5 The Legal Framework

Planning law recognises that it is reasonable to expect developers to pay for, or contribute towards, the costs of services, infrastructure or resources that would not have been necessary if it was not for their development.

Developers may be asked to provide infrastructure, or contributions for infrastructure, or services in several ways. This may be by way of the Community Infrastructure Levy (CIL) and /or planning obligations in the form of section 106 agreements with highway provision via section 278 highway agreements and section 38 agreements (the latter being primarily for internal estate roads). Developers will also have to comply with any conditions attached to their planning permission set by the Local Planning Authority.

3 Funding Delivery Mechanisms

There are a number of mechanisms by which infrastructure funding may be sought. These include through S106 Agreement or Unilateral Undertakings, but also through the requirement for Community Infrastructure Levy payments. These are discussed below.

3.1 Types of Agreements, Obligations and Conditions

Section 106 Agreements and Unilateral Undertakings are both planning obligations authorised by Section 106 of the Town and Country Planning Act 1990.

A Section 106 agreement entered into between a local planning authority and a land owner is a bi-lateral arrangement and thus may contain agreements on the part of the local planning authority. The County Council as a local planning authority is an appropriate party to any Section 106 agreement where contributions/infrastructure relate to County Council responsibilities.

A **unilateral undertaking** is a specific type of S106 planning obligation put forward by a landowner. The Unilateral Undertaking states planning obligations from the landowner/applicant to the County Council (and District Council) to make a development acceptable in planning terms. It is frequently but not exclusively used at planning appeals. The County Council/District Council may not feel that the planning obligations offered are sufficient to make the development acceptable in planning terms and in such cases District Councils do not have to grant permission based on the basis of the unilateral undertaking.

A **SPUR (standard pre-prepared unilateral route)** is a very simple template Unilateral Undertaking developed by the County Council which can be used for developments that have relatively small contributions, typically under £25,000. Using a SPUR avoids the need for legal fees. It uses a standard template in which the information can be inserted and the contributions outlined in the SPUR document are payable on the completion of the deed along with an administration fee of currently £150.

Planning conditions are requirements made by the Local Planning Authority for actions that are needed in order to make a development acceptable in planning terms. They cannot be used to secure financial contributions or to direct the transfer or dedication of land but can be used to ensure that certain elements related to the development proposal, and which may benefit the wider community, are carried out at a certain time.

Where a development requires works to be carried out on the existing adopted highway, an Agreement will need to be completed between the developer and the County Council under **Section 278** of the Highways Act 1980. Examples of such works could be the construction of a new access/junction improvement of the highway/junctions, or safety related works such as traffic calming or improved facilities for pedestrians and cyclists. The County Council will normally require a landowner to enter into a S106 planning obligation imposing a restriction on development so that a Section 278 Agreement is entered into by a specified trigger point, which is usually commencement of development, and for the Section 278 works to be completed by a specified trigger point.

Under **Section 38**, the County Council can enter into a legal agreement with a developer to adopt a highway built by the developer, this may relate to main spine roads, estate roads and related highway infrastructure. For the highway to be adopted it must be constructed to a satisfactory specified standard and agreed by the County Council.

The Highways Act 1980 provides the statutory basis for the County Council to seek a commuted sum as a contribution towards the maintenance of assets which are to be adopted by the Council as maintainable at public expense.

Where a commuted sum is required it will be payable by the Developer to the County Council in accordance with the provisions of a Section 278 Agreement, Section 38 Agreement, or a combination Highway Agreement. Please see the Highways and Transport section of this Guide for more information.

The County Council Road Agreements Team (RAT) are responsible for s278, s38, and private street agreements. They carry out technical auditing, processing of agreements, site inspection and adoption of s38 works. It is advisable to seek advice through the RAT on design and highways standards as this will make the s278 and s38 process straightforward. There is further information on the Oxfordshire County Council website.

3.2 CIL Background

The Community Infrastructure Levy is a local charge that local authorities in England and Wales can choose to charge on new developments in their area to fund infrastructure through the preparation of a 'CIL Charging Schedule'.

To avoid double charging for infrastructure, where a CIL is in place, Local Planning Authorities set out in a 'Regulation 123' list, the types of infrastructure and/or infrastructure projects which may be funded by CIL and thereby for which S106 contributions cannot be requested. A CIL Charging Schedule is subject to independent examination, linked to viability evidence and with each Schedule formally adopted by the relevant Council.

The County Council is not a 'charging authority' and does not have a CIL charging schedule.

Appendix 2 provides links to the District Council CIL webpages.

3.3 CIL and Section 106

If a District Council has a CIL Charging Schedule in place, it is likely that the Regulation 123 list does not cover all infrastructure and thus S106 contributions may still be appropriate to be sought in certain circumstances. Some sites and some types of infrastructure may be expressly excluded from CIL and it may then be the case that S106 agreements can still be used for contributions to infrastructure to mitigate site specific impacts, and for contributions to infrastructure to mitigate cumulative impacts on specific sites. At the time of writing, regulations limit the use of S106 so that no more than five S106 planning obligations (counted from April 2010) can be towards the same type of infrastructure or infrastructure project. The pooling limitation has led to a preference for CIL funding from small sites, while S106 is used more for the larger sites.

4 Guidance relating to all developments – Pre- application and Application stage

4.1 Thresholds

The County Council will normally undertake an assessment of major applications as set out below.

Oxfordshire County Council Classification of Planning Applications (Non-Minor)

Small Major:

- Residential Development- 10 to 199 dwellings
- Non-Residential Development: Over 1 hectare, depending on the nature and the location of the proposal.

Large Major:

- Residential Development- 200-399 dwellings
- Non-Residential Development: Over 1 hectare, depending on the nature and the location of the proposal.

Strategic:

- Residential Development: 400 or more dwellings
- Non-Residential Development: Over 1 hectare, depending on the nature and the location of the proposal.

In addition to an assessment by an Area Liaison Officer, the County Council may assess developments of fewer than 10 dwellings if there is another development in the vicinity and it is appropriate to assess the cumulative impact of the development on the infrastructure.

4.2 Population Assessment

Contributions and the requirement for certain infrastructure and services are assessed in accordance with the population likely to be generated by the proposed development, and the likely demands arising from that population on infrastructure and services. Such assessment is made using the County Council's population forecasting tool (POPCAL), which uses the results of the 2008 Oxfordshire Survey of New Housing³ to generate a population profile of new development taking into account:

- The locations of the development (by district);
- The scale and dwelling mix of the development;

³ A new household survey was carried out in 2017 and this will be used to update population assessments in 2018. The most up to date population assessment information will be available on the County Councils website alongside this Guide.

- An allowance for attendance of children at nonstate-funded schools (for education planning obligations); and
- The proportion of affordable housing.

The housing mix used for calculating impact and possible contributions will either be as set out in the application or based on the Oxfordshire Strategic Housing Market Assessment (SHMA) available at <https://www.oxfordshiregrowthboard.org/projects/oxfordshire-strategic-housing-market-assessment-shma/>.

Population Yields for each District (excluding Oxford City) are set out below.

Table 1: Population Yields

	Size of Property by Number of Bedrooms			
	1 Bed	2 Bed	3 Bed	4+ Bed
Cherwell				
All ages	1.28	1.85	2.88	3.96
0 – 4	0.03	0.16	0.36	0.41
Primary (4-10)	0	0.17	0.39	0.51
Secondary (11 – 15)	0	0.09	0.23	0.35
Sixth form (16+)	0	0.01	0.03	0.07
13 - 19	0	0.06	0.27	0.53
20+	1.22	1.51	1.89	2.42
65+	0.15	0.17	0.22	0.20
South Oxfordshire				
All ages	1.28	1.87	2.75	4.01
0 – 4	0.03	0.15	0.26	0.42
Primary (4-10)	0	0.20	0.39	0.51
Secondary (11 – 15)	0	0.11	0.24	0.39
Sixth form (16+)	0	0.01	0.03	0.07
13 - 19	0	0.06	0.22	0.62
20+	1.23	1.46	1.79	2.27
65+	0.15	0.29	0.32	0.17
Vale of White Horse				
All ages	1.28	1.94	2.77	4.02
0 – 4	0.03	0.18	0.25	0.38
Primary (4-10)	0	0.23	0.33	0.41
Secondary (11 – 15)	0	0.13	0.21	0.41
Sixth form (16+)	0	0.01	0.03	0.08
13 - 19	0	0.06	0.24	0.66
20+	1.23	1.47	1.87	2.32
65+	0.14	0.19	0.23	0.15

West Oxfordshire				
All ages	1.28	1.92	2.93	4.18
0 – 4	0.03	0.16	0.30	0.47
Primary (4-10)	0	0.20	0.38	0.55
Secondary (11 – 15)	0	0.10	0.24	0.44
Sixth form (16+)	0	0.01	0.08	0.08
13 - 19	0	0.05	0.28	0.67
20+	1.22	1.54	1.88	2.31
65+	0.14	0.18	0.19	0.18

In the case of outline planning applications where the number and mix of dwellings [or the number of employees/visitors] is unknown/not settled, a S106 agreement will be drawn up on a policy compliant mix based on the SHMA, to identify the corresponding level of financial contributions towards infrastructure provision [and services] where contributions are warranted. The S106 agreement will include a 'matrix' to enable the financial contributions to be re-calculated as and when the details are available. When the details of the development (number and mix of dwellings) are known prior to commencement of the development via approval of 'reserved matters' the contributions will be re-assessed at that juncture applying the matrix and if a different sum is assessed, then this amount will then become payable. The S106 agreement will include a 'matrix' to enable the financial contributions to be re-calculated. For larger phased developments, minimum contributions will be inserted in the agreement and top up payments will be required if warranted by the number and mix of dwellings being delivered.

4.3 Pre-application advice

The pre-application services provided by the District Councils and the County Council are intended to provide an early indication to potential applicants of planning issues that will need to be considered and addressed, including the level and range of likely planning obligation requirements. For strategic sites, the County Council encourages the use of Planning Performance Agreements (PPAs) and can provide further information on these on request.

Discussions are normally coordinated by the relevant District Council (or the County Council where it is the determining Authority), which will then seek appropriate input from the County or District Councils as the case may be as well as other service providers and/or stakeholders.

The County Council provides pre-application advice for minerals and waste development and its own developments. Further information is available at <https://www2.oxfordshire.gov.uk/cms/content/planning-application-advice>. Applicants can seek pre-application highways advice from the County Council with further information including fees available at <https://www.oxfordshire.gov.uk/cms/content/pre-application-highways-advice-major-planning-applications>

The information provided to developers and District Councils by the County Council is based on the information and data that is current and available at the time the advice is given.

Other forms of pre-application advice and PPA guidance are available through contacting the County Council's Major Planning Application Team at planningconsultations@oxfordshire.gov.uk.

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5 S106 Agreement process

5.1 Start of the S106 process and heads of terms

For strategic applications, the S106 agreement process should start with the recommended pre-application discussions on the infrastructure required to mitigate a development.

S106 “heads of terms” will be sought in relation to strategic applications to outline the infrastructure to which the development will contribute, the calculation of any financial contributions, along with any obligations or conditions recommended by the County Council. The heads of terms document could accompany the application to the LPA planning committee for in-principle agreement, however the heads of terms would be caveated that they may be subject to some change through the detailed work on the S106.

Once sufficient progress has been made on heads of terms, the County Council legal team will be instructed by the officers appropriate to proceed with drafting of the agreement with the developer’s appointed agent and solicitor.

For smaller applications and those that do not have pre-application work undertaken with the County Council, the contributions to be secured through the S106 will be outlined in the County Council’s response to the planning authority

The County Council’s Legal Service team will require satisfactory title/legal interest documentation. The developer will be responsible for the County Council’s legal costs and satisfactory security (solicitor’s undertaking to be responsible for the council’s legal costs or payment on account of costs) will be required at the outset.

5.2 Phasing of Infrastructure and Timing of Payments

Phased payments of contributions are acceptable in principle. However, the details will be dependent upon:

- The type of infrastructure being funded and quantum of contribution;
- The anticipated speed of development delivery; and
- Size of development.

Trigger dates for the payment of financial contributions and land to be included in the S106 Agreement will be advised by the County Council.

5.3 Land, buildings and contributions in kind

There are a number of circumstances where the County Council may need land to be transferred to its ownership in order to accommodate infrastructure to mitigate the impact of a development. This is incorporated in the S106 agreement for the development applying additional local authority powers. These include, but are not limited to:

- new or expanding schools,
- land to be dedicated as highway
- shared community buildings

Land may need to be remediated to establish a new facility on the development itself or in some circumstances it may be needed to provide a new facility or expand an existing one off-site. On such occasions, it may be appropriate to ask the developer to acquire the land on the County Council's behalf rather than make a financial contribution towards the purchase of the land by the County Council.

The County Council will work closely with the respective District Council to provide the optimum position for the infrastructure under consideration. Any land that is intended for public use (e.g. a school site) must be safe and fit for purpose.

Issues which will need to be examined include, but are not limited to:

- Ground conditions;
- Features that may constrain development such as trees, hedges, ditches etc;
- Sources of contamination;
- Flood risks;
- Topography of the land and the proximity of incompatible land uses;
- Noise levels;
- Proximity to high voltage cables, sewage works, substations and the like;
- Proximity to other land uses.

In the case of community use, the land will need to be central to the population it is intended to serve and well connected to walking and cycling routes.

Once a potential location for new provision has been identified, the suitability of the land itself will be considered in detail.

5.4 Legal Agreements to transfer land

Legal agreements usually provide for serviced and remediated land with warranties to be offered at nominal consideration (£1) by a specified trigger point with a three-month window for the County Council to accept (or not) the offer.

It is the County Council's policy to require the freehold of any new school (or other site). In relation to schools, where land over and above the required site area is necessary to deliver the new school the County Council may seek the additional land necessary for future further expansion and there may be a payment from the council to the developer based upon educational land use.

Construction services sufficient to enable construction of infrastructure are required on transfer and full-service provision and safe and convenient access including as appropriate pedestrian and cycleway provision prior to completion of construction.

5.5 Direct delivery of infrastructure

The Council has a duty to ensure appropriate delivery and quality of infrastructure relating to the needs of the services, and also to ensure that it complies with Government & Oxfordshire

County Council design guidance and is safe to use for the public. The infrastructure can be delivered by the County Council, by developers or an appropriate third party.

Developers may have a strong preference to 'directly deliver' on-site and off-site works (e.g. the construction of a building, usually a school or off-site highway works delivered through s278 works) instead of providing financial contributions. Works carried out by the developer are subject to compliance with a corresponding standard (construction) conditions and technical standards or as applicable with an outline specification and appropriate surety being provided.

For the delivery of new schools, the County Council's usual approach is that the host development is to provide land and funding through the S106. Direct delivery is available but if the County Council is to take on the facility, the developer will be required to work closely with the County's Education and Property team to ensure that designs comply with the stringent school delivery standard process, procedures & conditions if this route is taken. Further details are outlined in Section [7.3](#).

Where a developer prefers to direct deliver the education infrastructure, the developer will need to be aware that the S106 agreement will be more complex to ensure the appropriate timing, checks and governance are outlined clearly and can be enforced.

The County Council considers that such an arrangement in a S106 agreement or s278 conditional on implementation of the development does not constitute a public works contract but the County Council requires that a competitive and transparent procurement process should be undertaken for all construction works for mitigating a development. Further, where the works exceed a certain value set by the EU the County Council will require additional procedures and commitments to minimise any potential claim of a breach of procurement regulations and to indemnify the County Council.

5.6 Viability

The National Planning Policy Framework (2018) and associated Planning Practice Guidance requires local plans to set out the contributions expected from development with it then being the responsibility of the applicant to demonstrate the need for a viability assessment at the application stage. Revised national planning policy has set out a recommended approach to viability assessments, including standardised inputs and the County Council would support this guidance being followed when it is determined that there is justification for a viability assessment at the application stage.

In line with national guidance, any viability assessment must be provided in a way that provides clear interpretation and interrogation by the District and County Councils with any assumptions clearly set out. The developer will be required to pay the associated costs of the District Council and the County Council in reviewing the viability assessment. Where a local planning authority has supplementary guidance on viability assessments, the County Council will play a positive role in the assessment and any associated discussions and negotiations in line with that guidance.

The national planning practice guidance on viability can be found at <https://www.gov.uk/guidance/viability>

5.7 Indexation

To ensure the real value of a S106 financial contribution is maintained up to the date of payment the “principal” sum stated in the S106 agreement will need to be index linked. The S106 agreement will state the index type and base date.

The principal sum will be index inked from this base date until the date of payment. The appropriate index for each type of contribution is given below. The principal amount in the agreement will remain the same but the additional inflation will be affected by the index fluctuation and contribution amounts paid may vary depending of the value of the index at point of invoicing.

To work out the amount to be paid after applying an index:

Step 1:

Calculate the indexation change, i.e:

$$\frac{\text{Indexation value at date due}}{\text{Indexation value base}}$$

Step 2:

Then apply this indexation factor to the Principal sum (the established contribution).

$$\text{Payment due} = \text{Principal} \times (\text{Index Value at Payment Date} / \text{Index Value at Base Date})$$

e.g.

- Assume Principal = £10,000
- Index Value at Base Date = 178
- Index Value at Payment Date (Due date) = 183
- Payment due = £10,000 x (183/178) = £10,281

Note: This calculation is predominantly used for PUBSEC and RPIX (see Glossary). For complex indices such as RICS all-in TPI and “Baxter” the calculation of the index fluctuation should be carried out before applying to the Principal – this will be done by the County Council.

Most indices are available on a subscription basis, consequently the County Council cannot provide the comprehensive index data to developers as that would be in breach of copyright. The County Council will, however provide upon request the calculation of any indexed sums proposed in S106 negotiations or invoiced.

The table below sets out the various indices that will apply:

Contribution Type	Appropriate Index "common name"	Index "detailed title"	Source	Frequency of revision/publication
Education, Libraries, adult social care	PUBSEC	Public Sector Price and Cost Indices	RICS	Quarterly
Transport infrastructure	BAXTER	Price Adjustment formulae indices used on Civil Engineering (infrastructure) projects.	RICS	Monthly
Public transport (& land)	RPIX	ONS Retail Price index: Includes all the components included in the RPI but excludes mortgage interest payments.	Office for National statistics	Monthly

5.8 Securing payment of deferred contributions

In S106 planning obligations there may well be provisions for payment of substantial financial contributions to be triggered after the implementation of the corresponding development. With such "deferred contributions" comes a risk of subsequent under or non-compliance with the agreements payment obligations and thus there may well be the need for appropriate security, in the form of a bond, to be provided and this requirement will be incorporated in the S106 agreement.

The requirement for a bond to secure deferred contributions will initially be identified in the advice from the County Council following the submission of a planning application.

Any requirement for a deferred contribution bond would be quite separate from bond requirements associated with any highway agreement (Section 278/Section 38).

5.9 Fees

Fees that the applicant may be required to pay (distinct from Planning Application fees) include:

Fee Type	Comments
Highways Pre-application advice	Fees for pre-application highways advice can be found on the website at https://www.oxfordshire.gov.uk/cms/content/pre-application-highways-advice-major-planning-applications

<p>Planning Performance Agreements (PPAs) and other Pre-Application advice including Waste and Minerals</p>	<p>Information on fees for pre-application advice is available at https://www.oxfordshire.gov.uk/cms/content/pre-application-highways-advice-major-planning-applications</p>																
<p>S106 Administration/ Monitoring fees</p>	<p>The completion of a planning obligation involves the County Council in various administration/monitoring work which places a cost burden on the County Council. We charge a fee to cover the administration and monitoring of S106 agreements since it is not covered by other funding and it is integral to the management of S106 agreements.</p> <p>This work includes:</p> <ul style="list-style-type: none"> • Updating and maintaining a planning obligations database; • Ensuring that all the financial and non-financial obligations in agreements are met (excluding the investigation and enforcement of breaches of the agreement); • Providing calculations of financial contributions, sending invoices and receiving payments; • Ensuring financial contributions are used for the specific purpose outlined in the obligation; • Keeping and maintaining transparent accounting procedures; and, • Providing regular updates for Councillors, Cabinet, Scrutiny Committees and the wider community. <p>At the time of this Guide the charges for administration and monitoring are as set out below. The increasing scale of charges reflects the likely longevity and complexity of the monitoring all the financial and non-financial obligations as the value of the agreement increases.</p> <p>However, fees will be reviewed at the time a S106 agreement is drafted to ensure the fee reflects the complexity of the S106 agreement and the level of administration and monitoring it will require.</p> <table border="1" data-bbox="539 1682 1406 1982"> <thead> <tr> <th colspan="2" style="background-color: #ffff00;">Admin & Monitoring Fees</th> </tr> <tr> <th>Sum of Contributions</th> <th>Fee Applicable</th> </tr> </thead> <tbody> <tr> <td>Up to £10,000</td> <td>£100</td> </tr> <tr> <td>£10,001 to £25,000</td> <td>£250</td> </tr> <tr> <td>£25,001- £50,000</td> <td>£500</td> </tr> <tr> <td>£50,001 - £150,000</td> <td>£1,500</td> </tr> <tr> <td>£150,001 - £500,000</td> <td>£3,750</td> </tr> <tr> <td>£500,001 - £1,000,000</td> <td>£5,000</td> </tr> </tbody> </table>	Admin & Monitoring Fees		Sum of Contributions	Fee Applicable	Up to £10,000	£100	£10,001 to £25,000	£250	£25,001- £50,000	£500	£50,001 - £150,000	£1,500	£150,001 - £500,000	£3,750	£500,001 - £1,000,000	£5,000
Admin & Monitoring Fees																	
Sum of Contributions	Fee Applicable																
Up to £10,000	£100																
£10,001 to £25,000	£250																
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£150,001 - £500,000	£3,750																
£500,001 - £1,000,000	£5,000																

	<p>£1,000,001 - £2,000,000 0.5% of the sum of contributions</p> <p>Over £2,000,000 £ 10,000 plus 0.05 % of any element of the contribution over £2m</p> <p>Where an applicant submits a unilateral undertaking in the County Council standard form (SPUR), there is an administration and monitoring fee of £150.</p> <p>The administration and monitoring fee is normally payable on the signing of the S106 agreement however, for larger developments the fee may be phased across completion of the planning obligation and implementation of development.</p> <p>The County Council will require a fee for the monitoring of Travel Plans. Information on these fees can be found at https://www.oxfordshire.gov.uk/cms/content/travel-plans-statements-and-advice</p>
Legal Fees	<p>Applicants will be required to pay the Council's legal costs incurred in drafting and completing any legal agreement. To this end, the County Solicitor will require an undertaking from the solicitor acting on behalf of the applicant to pay the county council's legal costs, whether or not the agreement is completed. Payment on account of legal costs is also accepted. Any maximum ceiling on a solicitors' costs undertaking/payment on account does not constitute a cost estimate and the County Council will require payment of legal costs in full.</p> <p>The council's legal costs will be charged at an hourly rate and will become payable upon completion of the agreement. For large scale agreements periodic payment of legal costs may be required. The amount will inevitably vary depending on the nature and complexity of the agreement the degree of negotiation required and the time taken to settle the draft and proceed to completion.</p> <p>In those cases where work on a S106 is terminated prior to completion of the agreement, fees will still be payable for work done. Legal fees are not required for Standard Unilateral Undertakings (SPUR).</p>

6 Once an Agreement is completed

Once an agreement is completed and planning permission issued it is important to note that there may be requirements in the agreement to keep the County Council informed of progress of the development. We ask that such notices are provided.

Financial payments can be made by cheque or BACs information supplied at developer.funding@oxfordshire.gov.uk.

6.1 Enforcement

If any contribution due under the S106, or any part thereof is paid late, interest at the default rate will be payable from the due date set out in the agreement to the date of actual payment.

Any missed payment and breaches are enforceable against the landowner (who may also be a developer) who originally entered into the agreement and any subsequent person acquiring an interest in that land, although it is standard practice to release the original landowner once his/her land interest is disposed of. The S106 agreements will be registered by/with the District Council as a local land charge and will be noted on the planning register and thus available for public inspection.

There may be an initial one-off payment should the County Council need to investigate any breach of the agreement. The County Council may enforce obligations through the relevant legal channels although other reasonable approaches to remedying a failure to comply with the obligations will generally be pursued first. In such cases, the Council will seek to retrieve its legal costs in taking action against the party that is in breach of its obligations.

For queries regarding the implementation of an Agreement please contact developer.funding@oxfordshire.gov.uk

7 Infrastructure Requirements

This section sets out the County Council's infrastructure requirements by service area. For each, it sets out our statutory responsibilities and key policy documents. It also provides links to supporting documents which supplement the requirements set out in this Guide.

Developers should read this Guide in conjunction with Local Plans, CIL documents and Supplementary Planning Documents prepared by the District Councils which will set out the infrastructure requirements that might be required in addition to those set out in this document such as for affordable housing or open space.

7.1 Education

The County Council has a statutory responsibility to ensure that there are sufficient education places from early years (ages 0 – 4) through to secondary age including 6th Form (to age 18). This section of the Guide outlines the approach for determining appropriate section 106 contributions for education provision which could include a financial contribution and/or land requirement, arising as a direct result of development proposals.

7.1.1 School Places

The Education Act 2006 requires the County Council to secure sufficient places in its administrative area for every child of school age whose parents wish them to have one, although the County Council is a commissioner rather than a provider of school places. The County Council also has a responsibility to ensure, as far as reasonably practicable, that there are sufficient childcare places to ensure that families can:

- a) access the funded early education entitlements for their child;
- b) take up, or remain in work; or
- c) undertake education or training, which could reasonably lead to work.

Subsequent legislation has created a more diverse school system, supported by a wider range of providers than in the past, particularly by academy trusts and sponsors.

In Oxfordshire there is a diverse mix of publicly maintained schools including:

- Community;
- Foundation;
- Voluntary (divided into Controlled and Aided);
- Academies;
- Free Schools which are a particular type of Academy.

It is the County Council's role as the Education Authority to assess the requirements for school provision as a consequence of development; to determine and plan, in consultation with schools how sufficient capacity will be provided, and secure appropriate funding via S106 agreements where appropriate.

Further detail on planning for school places, the establishment of new schools and likely future changes to school provision can be found in the Oxfordshire Pupil Place Plan 2017 – 2021.

It is recommended that developers contact the County Council’s Education Sufficiency & Access team or the Infrastructure Funding team at the earliest possible stage in the process to ascertain whether there would be a requirement for additional education provision within the locality of their proposed development.

The Table below sets out the child age and associated Sectors and Year Groups.

Table 7a - School year groups

Age (Years)	Sector	Year Group	Stage
2–4	Early years	Nursery years	Foundation Stage
4–5	Early Years (Primary)	Reception year	Foundation Stage
5–7	Infant (Primary)	Years 1 and 2	Key Stage 1
7–11	Junior (Primary)	Years 3, 4, 5, 6	Key Stage 2
11–14	Secondary	Years 7, 8, 9	Key Stage 3
14–16	Secondary	Years 10 and 11	Key Stage 4
16-19	Sixth Form	Years 12 and 13	Key Stage 5

7.1.2 Early Years and Childcare

Early Years and Childcare provision could be in the form of nursery, childminders, playgroup or preschool etc. Central Government has a policy to provide 15 hours per week free childcare for eligible 2-year olds and 30 hours for all 3/4-year olds.

Local Education Authorities are not expected to deliver early years provision directly but they have a duty to ensure there is sufficient provision available to meet eligible families’ needs and to work with providers in creating the places. Where there is insufficient capacity to meet the needs of new development, measures will be sought to increase capacity in the early education and childcare market. This can be provided either through expanding existing provision or through providing new facilities.

The County Council has identified the pressures in the Early years and childcare sector in the county and as a response has enhanced the early years places within new primary schools to meet the needs of the increasing population within Oxfordshire. New opportunities for the

provision of sustainable early years or childcare places will be sought within new strategic developments either through private, voluntary or independent nurseries.

7.2 Early Years, Childcare, Primary and Secondary education sufficiency

Oxfordshire County Council Responsibility	<p>The County Council as Education Authority has a statutory responsibility to provide education provision from early years through to secondary age. The Education Act 2006 gives the County Council the duty to secure sufficient places in its area.</p>
Policy Documents	<p>Pupil Place Plan 2017 – 2021 https://www.oxfordshire.gov.uk/cms/content/pupil-place-plan</p>
Possible Contributions Required	<p>Financial contributions may be sought towards one or more of the following:</p> <ul style="list-style-type: none"> • Land for new schools; • Costs of new schools together with furniture and ICT; • Contributions towards additional classrooms; • Other building provision at existing schools (including additional grass/artificial turf sports pitches) to support increased pupil numbers; • Alteration to the highway around school settings arising as a result of the development; • Monitoring Travel Plans as set out in Section 10; • Off-site works to create safe routes for walking and cycling to school and reducing reliance on the use of motor vehicles with the consequent benefits of increased health, reduced levels of pollution and less congestion around schools; • Transitional issues arising from new development, including the cost of providing temporary school places in advance of the completion of a new school required as part of a housing development and/or school set up costs; • Commuted sums for fixed-term on-going maintenance of sports facilities.
Thresholds/ Type and Size of Development Which May Trigger Need	<p>The County Council generally only seeks planning obligations in respect of major developments (see Section 4.1). Applications for smaller developments will be exempt, in part due to the operation of pooling restrictions pursuant to Regulation 123 of the CIL Regulations, unless their relationship to another site warrants the site to be taken into account or its co-location to other sites necessitates an area-wide look at the cumulative impacts. Net increases in dwellings are considered in determining any educational requirements.</p> <p>The need for new education provision arises from both market and affordable housing.</p> <p>When assessing a development impact, the following will generally be expected to generate zero pupil place demands. Consequently, education contributions will not be sought for the following: -</p> <p>a) One bedroom dwellings;</p>

	<p>b) Sheltered or elderly housing;</p> <p>c) Student accommodation for single people;</p> <p>d) Other specialist housing where it can be demonstrated that the accommodation will not be occupied by children.</p> <p>The County Council may require a planning condition restricting the occupation of dwellings to those that are unlikely to have school age children at home i.e. to those over 55 years.</p> <p>Applications to vary existing planning permissions which indicates a material change to the number or type of dwelling will also need assessment and a recalculation of contributions will ordinarily be required.</p>
<p>Assessing the Number of Children Generated by New Development</p>	<p>A population assessment is carried out when a pre-application or planning application is submitted (as set out in 4.2 of this guide). This will estimate the number of children that the proposed housing development will generate (child yield as shown in Table 1a below for developments below 400 dwellings). For developments of 400 dwellings and above a separate POPCAL assessment will be generated and the resultant profile of pupil generation will better reflect the impact of pupil numbers arising as the development is built out over a number of years and will also inform the timing for the provision of a new school.</p> <p>If there is a need to expand school capacity S106 contributions are sought based on the estimated pupil generation of each development proposal (calculated using POPCAL) and the “cost per pupil” of building the necessary sized provision. This cost will vary depending on whether it is a new school or an expansion of an existing school, and will be different for each education sector (i.e. nursery, primary, secondary and Special Educational Needs (SEND)).</p> <p>Section 4.2 of this Guide set out that the County Council will use the proposed housing mix identified in the planning application or if not available, in the Oxfordshire Strategic Housing Market Assessment, or in compliance with relevant District Council’s local plan policies. Section 4.2 also sets out the approach to calculating contributions in relation to outline applications.</p>
<p>Calculation of Need for Additional Provision</p>	<p>The School Admission Policy, the assessment of Net Capacity (non-academy schools) or funding agreement capacity (academies) and the Home-School Transport Policy are relevant to the consideration as to whether extra school accommodation is necessary and therefore in calculating Section 106 contributions for primary and secondary education.</p> <p>The need or otherwise for a contribution will be established by analysing the number of pupils generated by the development in relation to: -</p>

	<p>a) The capacity of the catchment school and early years and childcare providers within a reasonable safe walk of the development proposal;</p> <p>b) The net capacity of schools within the statutory walking distance calculated from the child's permanent home to school and for children aged 8 or under (i.e. up to and including Year 3) being 2 miles and for children over 8 years old, being 3 miles. Where appropriate, other schools within the statutory distance may also be considered;</p> <p>c) The forecast number on roll for the catchment school, and in particular the forecast number going into Reception year;</p> <p>d) Number of children in catchment school and schools within statutory walking distance that are from out of catchment;</p> <p>e) Any planned and funded changes to the school building which will affect the capacity;</p> <p>f) Any other housing developments with outline or full planning permission (not included in the forecasts) which are expected to generate the need for pupil places at the catchment school for the development;</p> <p>g) The need to assume an operational capacity of unfilled primary and secondary school places.</p> <p>Temporary accommodation (e.g. mobile classrooms) is excluded when assessing the suitable capacity available at the school for meeting the needs of housing development. If pupil forecasts show a pressure or bulge for a limited accepted period then temporary class rooms may be required to cope with the peak.</p> <p>Having taken all the above factors into account, where it can be demonstrated that the number of pupils generated by a development is greater than the surplus capacity in the local schools the County Council will require planning obligations to ensure the provision of sufficient capacity to meet future needs. This will normally be in the form of a financial contribution but it may also require the transfer of land or the direct delivery of infrastructure.</p> <p>If forecasts indicate that surplus capacity/places will exist in the catchment school by the time the development can reasonably be expected to generate new demand for places then this will be taken into account when determining the need for additional places and funding.</p>
What If There Are Surplus Places?	<p>Spare places at a school do not necessarily equate to there being sufficient capacity at that school as it is generally accepted that schools should not operate at 100% of their capacity. The Pupil Place Plan sets out a target figure of between 8 – 12% (depending on location) unfilled primary and secondary places as sensible for planning purposes in the county.</p>
Primary School Travel	<p>It is the County Council's view that it is not sustainable (having regards to the impact upon social cohesion and environmental costs) in the long term for children living in a new housing development in a settlement with a primary school to have to travel outside the settlement to attend a school with sufficient space for them.</p>

	<p>However, there may be a need to transport children for a period of time if a school expansion is delayed or programmed later than the start of the development. Where development is proposed in locations that could require the County Council to provide free school transport, developer contributions are sought to fund provision for a minimum of seven years for primary and five years for secondary pupils.</p> <p>The County Council will provide free transport from Oxfordshire homes to the nearest available school where;</p> <ul style="list-style-type: none"> • The shortest designated route is more than the statutory walking distance of 3 miles for children aged 8 and over, • The shortest designated route is more than 2 miles where the child is aged under 8, • The route has been assessed as unsafe to walk, even if accompanied by a responsible adult. <p>The temporary transport costs to bus children to the nearest school contribution is calculated by:</p> <p>A - cost of transport (£200) per day</p> <p style="text-align: center;">x</p> <p>B - number of academic days in a year (190)</p> <p style="text-align: center;">x</p> <p>5 or 7 years (depending on school age)</p> <p>Therefore, over a period of 5 years, the cost would be 200 X 190 X 5 = £190,000</p> <p>N.B. The transport cost is for an average sized coach – if there is more than one coach needed for transporting children then this cost will increase.</p>
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Table 1a – Child Yield⁴ for development of less than 400 dwellings

Dwelling type	Early Years ⁵ (2 – 3 years)	Primary (4/5 – 10 years))	Secondary (11 – 15 years)	Sixth form (16 years+)
Cherwell				
One bed	0	0	0	0
Two bed	0.05	0.17	0.09	0.01
Three bed	0.1	0.39	0.23	0.03
Four + bed	0.12	0.51	0.35	0.07
South Oxfordshire				
One bed	0	0	0	0
Two bed	0.04	0.2	0.11	0.01
Three bed	0.07	0.39	0.24	0.03
Four + bed	0.12	0.51	0.39	0.07
Vale of White Horse				
One bed	0	0	0	0

⁴ Oxfordshire County Council Household survey 2008

⁵ Nursery children (all 3 year olds and 40% of the 2 year olds)

Two bed	0.05	0.23	0.13	0.01
Three bed	0.07	0.33	0.21	0.03
Four + bed	0.11	0.41	0.41	0.08
West Oxfordshire				
One bed	0	0	0	0
Two bed	0.05	0.2	0.1	0.01
Three bed	0.08	0.38	0.24	0.03
Four + bed	0.13	0.55	0.44	0.08

7.3 Provision of a New School

County Council Responsibility	As the Education Authority it is the County Council's responsibility to ensure that any new school is designed to meet Government guidance and can function as a new school. Therefore, any new school that is to be located on a new development, funded or built by the developer needs to comply with Government guidance as adopted by the County Council.
Supporting Documents	<p>The County Council is preparing a range of supporting guidance documents relating to the provision of educational premises including:</p> <ul style="list-style-type: none"> • Design criteria for primary and secondary schools; • Building and site area requirements; • Model Schedules of accommodation; • Pupil drop off guidance; • Survey requirements; • Parking and Cycle Storage; • Site Suitability checklist. <p>Drafts of these are available on the County Council website alongside this Guide.</p>
When Is A New School Required?	New school requirements associated with allocated development sites are identified in Local Plans. A new school is most likely to be required to serve individual or cumulative developments of more than 400 pupils to ensure sustainability (assuming 30 pupils per class and even sized cohorts). A development may not generate enough pupils to fill a whole new school but may be deemed appropriate as a "host" site upon which a school to serve more than one site may be located as it is the largest or most suitable for a number of new developments in the area.
Costs	<p>School construction costs</p> <p>Any S106 contribution must be considered on a case by case basis and the cost of each project to provide additional capacity may differ. The contributions sought are based on a common base for the construction of a new school or extension.</p> <p>For new schools, the County Council has a comprehensive school construction cost model which was created by Gleeds (cost and value management consultant). The new school cost model utilises a wide-ranging cost benchmarking exercise for the costing of new schools which uses data from five</p>

sources (as opposed to a singular source). These are reviewed to ensure they reflect the market and construction costs.⁶

The school construction costs are index linked using [RICS TPI](#) standard index for construction. The cost of the school will translate to a contribution, in some cases this will not be the total cost of the school construction but part of the cost relating to the numbers of pupils generated. Please see the indexation part of the document (paragraph 5.8) for an explanation.

The need for [SEND](#) places, and the size of the nursery required at each primary school, within the new mainstream school will be assessed in each case, depending on the existing local availability of places.

When the scale of development is such as to necessitate a new school, the developer/s will be expected to provide an appropriate remediated and serviced piece of land proportionate to the pupil yield, free of charge. In some cases, the County Council may seek an option for remediated expansion land which can be funded by another adjacent development. Where the development is not a host site for a school it is appropriate to make a contribution to fund land acquisition. They are also expected to fund the building costs, including the infrastructure and the playing fields. In view of lead in times for delivery of a school, land will generally need to be provided between two to three years in advance of school opening depending on the delivery of primary or secondary school.

Direct Delivery of school by a developer

Alternatively, the developer may choose to construct a new primary school and this must be in accordance with the County Council's technical requirements (known as the "Authority's Requirements") and Standard Conditions. See supporting documentation for details.

⁶ The five sources are:

1. **Education & Skills and Funding Agency (ESFA) Cost Data** – this is widely available data from the Government and gives guidance about the cost of construction and regional differences.
2. **Sports England standard costs** – this cost data has been produced independently by Sports England to give guidance on cost of sports facilities and ongoing maintenance liabilities. This is used to ensure consistency of costs for sports provisions.
3. **Gleeds cost data**- Data from a leading global property and construction consultancy which looks at more broad ranging detailed data which Gleeds Cost Management has derived from historic project cost data and their own experience of delivery of similar facilities.
4. **BCIS Cost data – data from the Building Cost Information Service** of the Royal Institution of Chartered Surveyors (RICS). It provides data to the construction industry and associated parties.
5. **National School Cost Benchmarking data (2015)** - A national cost benchmarking study undertaken by County Councils and supported by the ESFA.

	<p>If a Developer decides to 'Direct Deliver' then a contribution will still be required to fund the 'embedded costs' which fund the items which makes a building into a fully functioning school ready to take pupils generated by the development. These include:</p> <p><u>a) Furniture & Equipment</u> (JC)The cost per pupil is for both primary and secondary schools. This is based on guidance from the DfE in 2008</p> <p><u>b) ICT</u> To fund the inputting of the ICT network connection, servers and hardware to run the school</p> <p><u>c) County Council "Client Costs"</u> In the delivery of new schools, the County Council will be required to fund post S106 legal costs, client costs in managing the delivery of the schemes and other miscellaneous costs which inevitably the authority would face. It is recognised within the building industry that such costs can represent 3% of total project costs and as a consequence this provision is included. In the Land & Funding route these "on-costs" are 3%, however, where a developer "direct delivers" a school the Client costs are 2%.</p> <p><u>d) School Set-up costs</u> A provision is included to cover school set-up costs which include:</p> <p style="padding-left: 40px;">di) costs incurred <i>before</i> the schools open This is estimated to demand 2 terms of staffing prior to opening.</p> <p style="padding-left: 40px;">dii) costs incurred <i>after</i> the school opens - the 'diseconomies of scale' i.e. the difference between the operating costs and the revenue received by the Academy in respect of pupils.</p>
Delivery and Phasing	<p>The phasing of any contributions to fund the cost of a new school, or the timetable for the building of a new school, where the developer is undertaking this, will be agreed on a site by site basis.</p> <p>Key triggers will be such as to ensure that surveys, financial contributions and land transfer occur at the appropriate time to ensure the delivery of the school is in line with the demand for additional school places and enables the school to be open from the start of an academic year (September). In order for it to be built and equipped, primary schools must start construction by May [in the year] two years before opening and secondary schools will take longer related to the size of school but the school delivery programme will commence some considerable time before start on site. See supporting documentation for more detail.</p> <p>The indicative triggers for County Council delivery of a school:</p>

	<p>Payment 1 – on implementation will be for design (usually 10% of the cost of the school)</p> <p>Payment 2 – (1/3 of remainder) usually on transfer of land</p> <p>Payment 3 – (1/3 of remainder) 6 months after land transfer</p> <p>Payment 4 – (1/3 of remainder) 12 months after land transfer</p>
<p>School Site Suitability</p>	<p>The County Council will assess the suitability of the proposed land parcel initially on the basis of topography, geo-environmental and geo-technical information, noise levels, size, shape, orientation, proximity to other uses, and location within the development. Indicative sketch layouts must be prepared to show the diagrammatic layout of buildings on site to demonstrate that the site can accommodate the school. Information should include the following:</p> <p>Site information required from Developer</p> <ul style="list-style-type: none"> • Masterplan; • Topographical survey (CAD format) with all site features including flood zones (where relevant) and school sites boundaries clearly defined; • Geo environmental desk top study; • Existing and anticipated noise levels plan; • Location, details and status of all existing services and drainage runs across the site and within 1 kilometre of the site; • Flood risk maps superimposed onto the masterplan to show clearly where there is flooding potential; • Hydrological and flood risk assessment. - Flood risk assessments with plans showing the 1000 plus 40% climate change, 100 plus 40% climate change and 50year plus 40% climate change; • Initial search information including evidence that claimed rights of way, easements, wayleaves and the like do not exist upon the proposed site; • Surface water strategy when available; • Site investigations when available. <p>The County Council has produced an Education Site Suitability Checklist and Guidance Note (see Supporting documents) which sets out, in general terms, the issues and concerns that must be assessed. Further guidance notes on the level of information required at different stages in the assessment process is also available. The list is not exhaustive and any other features of the site or surrounding area that may impact upon its use as an education facility should be brought to the County Council’s attention at the outset.</p>
<p>Planning Application Requirements</p>	<p>It is strongly recommended that school site locations form part of early pre-application discussions and master planning the development site as this will speed up agreement on school site location. In determining a suitable location, a significant amount of information will need to be collected and analysed. This information must be formalised and submitted with the planning application in the form of a Land Compliance Study.</p> <p>The County Council may object to the application if a sufficiently robust Land Compliance Study is not submitted, proving the land is fit for purpose.</p>

	<p>It is a County Council requirement that drawings are provided which will be attached to the S106 agreement including:</p> <ul style="list-style-type: none"> • Red line plans defining the school site on an ordnance survey base; • Separate plan showing key features of the school site e.g. approximate entry points; this plan will be produced from sketch plans provided by the County Council • Where applicable a plan defining works proposed on the school site prior to land transfer.
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7.3.1 Expansion of existing schools

Supporting Documents	See Section 7.3
Expansion Criteria	Where a school is 1FE or above and expansion is feasible, only expansion of increments of a full 0.5FE or 1FE will be accepted. Sites should not be expanded above 2FE except in exceptional circumstances, to make it a maximum 3FE in line with the agreed County Council Education Space Standards & policy.
Contributions	<p>The level of contribution will be calculated based on the anticipated pupil generation from the development set against standard £/per pupil rates, or where feasibility work studies have been carried out estimated cost of the expansion. In circumstances where there is uncertainty upon the ability for an existing school to expand the County Council may look to the developer to fund feasibility work in order to demonstrate capacity and costs of expansion.</p> <p>For extension costs, these can vary depending of the type and age of building being extended and land characteristics on the school site. Due to the fluctuation in cost the standard ESFA extension rates will be used in most cases for calculating extension contributions unless a prior feasibility assessment has been done prior to a submission of a planning application to understand the requirements and cost.</p> <p>For the education contributions, the 'PUBSEC' Building Tender Price index is used because this is a composite public sector specific index whereas the RICS TPI index focuses purely on construction tenders which does not encompass all the elements needed for the provision of a school</p> <p>See expansion rates in Table 3 below.</p>
Which School will be Expanded?	It may not always be practical or desirable to use S106 contributions to provide additional capacity at the nearest school because, for example, the site may be constrained or the school may not have the necessary infrastructure, in terms of ancillary accommodation, to support the increased capacity. Also, the County Council cannot compel voluntary aided schools, Free Schools and academies to expand, consequently, the County Council may need to look further afield.

	<p>When determining which school should expand, a number of decision-making criteria will be considered, including:</p> <ul style="list-style-type: none"> • Popularity: the County Council seeks to ensure a high percentage of parents can secure a place for their child(ren) at their first preference school. • Location: to allow the option of children walking or cycling to school, it is preferable for children to be able to attend a school no more than 2 miles (aged 8 or under) or 3 miles (over 8 years old) from home. • Travel infrastructure: to ensure that safe routes for walking and cycling are provided by providing safe footways for walking, good crossing points and a well-designed permeable street network that prioritises pedestrians and cyclists. • Quality of provision: expansion of successful, high attaining schools supports the council's commitment to improving educational outcomes, and is in line with DfE expectations. • Effective organisation of schools: where possible, expansion which moves schools towards being able to teach in single age classes is preferred. • Choice and diversity: church schools and academies are considered equally with local authority maintained schools for expansion. • Existing accommodation and site area: in some cases, a school's existing accommodation may already include infrastructure to support a higher number of pupils (for example, it may have a large hall, or a large total site area). • Feasibility of current and subsequent expansion: the cost of expanding a school will be affected by its current layout of accommodation. Local consultation will inform the decision to expand a school.
Commuted Sums	<p>A commuted sum will be required where the following situations are found to be present.</p> <ul style="list-style-type: none"> • Where a Multi-Use Games Area (MUGA) is provided the costs of maintenance for the MUGA and 'sink fund' for its future replacements costs in accordance with Sport England's cost guidance will be required. https://www.sportengland.org/facilities-planning/design-and-cost-guidance/ • Where gravitational drainage is not achievable and a pumping station is required the cost of maintenance and 'sink fund' for its future replacement costs. <p>The County Council will seek to avoid expansion on a site which is liable to flooding/waterlogging.</p>

Table 3 School expansion costs ⁷(where no cost feasibility completed) (£ per net pupil) (rounded £ sterling)

	1 Bed	2 Bed	3 Bed	4+ Bed
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⁷ Assumes 30 pupils per class

Cherwell				
Primary	0	2,533.0	4,812.0	6,965.0
Secondary	0	1,916.0	4,598.0	8,430.0
Sixth form	0	205.0	613.0	1,636.0
South Oxfordshire				
Primary	0	2,538.0	4948.0	6,408.0
Secondary	0	2,111.0	4,607.0	7,486.0
Sixth form	0	205.0	615.0	1,439.0
Vale of White Horse				
Primary	0	2,538.0	4948.0	6,408.0
Secondary	0	2,111.0	4,607.0	7,486.0
Sixth form	0	205.0	615.0	1,434.0
West Oxfordshire				
Primary	0	2,532.80	4,812.32	6,965.20
Secondary	0	1,915.80	4,597.92	8,429.52
Sixth form	0	204.47	613.41	1,635.76

7.4 Special Educational Needs and Disabilities Provision (SEND)

Oxfordshire County Council Responsibility	<p>Part 3 of the Children and Families Act 2014 places legal duties on Local Authorities (LAs) to identify and assess the special educational needs and disabilities (SEND) of children and young people for whom they are responsible.</p> <p>The County Council as an education authority has a duty to promote high standards of education and fair access to education. It also has a general statutory duty to secure sufficient schools in their area, and to consider the need to secure provision for children with SEND. This includes a duty to respond to parents' representations about school provision. These are referred to as the school place planning duties.</p> <p>The County Council has a duty to make arrangements for the provision of suitable education at school (or otherwise) for each child of school age who for reasons of illness, exclusion or otherwise would not receive it unless such arrangements were made.</p> <p>Children with Education, Health & Care plans (previously known as Statements) comprise about 2.5% of overall primary and secondary pupils within Oxfordshire. Of the 2.5% about half (or over 1. 2% of all pupils) are educated within special schools</p> <p>The SEND contribution sought in relation to the development relates to the 1.2% element where needs are required to be met in special school establishments. The remaining SEND needs are met within the mainstream schools, including in resource bases within mainstream schools, or in a few cases, by other providers. The 1.2% of pupils expected to be educated within special schools are deducted from the pupil numbers used as a basis</p>
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	for calculating mainstream education contributions to avoid double counting. The SEND contribution plus the provision included in the mainstream school cost will be necessary to address the composite expected SEND demands arising from the development.
Supporting Documents	SEND and alternative provision: area guidelines https://www.gov.uk/government/publications/send-and-alternative-provision-area-guidelines
Contributions	The level of contribution will be calculated based on the anticipated SEND pupil generation from the development, and the estimated cost per place of the expansion from any feasibility work done, or otherwise on DfE cost multipliers for expansions. The calculation of SEND will take into account the number of SEND pupils that go into mainstream schools and those that need to go to SEND schools. The contributions sought will be for the SEND school infrastructure not the transportation of children.
Which School will be Expanded?	The special schools directly related to each development will be the local community based special school as well as the schools providing county wide provision. The potential for expansion in each case will be assessed taking into account site constraints and the operational requirements of each school. The ability of each school to accommodate pupils is agreed with each school governing body based on their accommodation and the specific needs of their pupils.

7.5 Extra Care and Specialist Care housing

The population of Oxfordshire is ageing and this creates a need to accommodate the housing and welfare needs of people later in life. This can be through Extra Care housing and other forms of specialist housing.

Extra Care Housing is often used as a generic term to describe housing with care support for adults. It is also known as ‘very sheltered housing’, assisted living or ‘close care’ and the Government describes it as “Purpose built housing in which 24-hour personal care and support can be offered and where various other services are shared.” One of the benefits of Extra Care housing is that it can adapt to an individual’s changing care and support needs.

An estimated 55 Extra Care Housing flats per 1,000 people aged 75 and over is currently being used as the demand ratio within Oxfordshire and to inform local plans. The County Council will use this ratio, population forecasts and the population yields set out in this Guide (and any updates) to inform the likely proportion of older persons to be generated by a development and the number of affordable Extra Care flats that may be sought.

In addition to accommodating the needs of an older population, the County Council also has a need to ensure provision of specialist accommodation for those of all ages with other specialist accommodation needs.

The County Council works closely with the District Councils and developers in securing and delivering the provision of extra care and specialist housing.

Market Position Statement

The County Council's Market Position Statement provides a picture of the County in terms of demand, supply and opportunity for a range of specialist housing. Across Oxfordshire additional Extra Care Housing is needed comprising a mix of tenures with opportunities to rent or purchase.

<https://www.oxfordshire.gov.uk/cms/sites/default/files/folders/documents/socialandhealthcare/olderpeople/ExtraCareHousing.pdf>

Extra Care Housing Outline Specification documents [documents in preparation]

- Standard type
- Learning difficulties type
- Physical difficulties type
- Dementia type
- Complex autism type

7.6 Transportation

7.6.1 Highways

Oxfordshire County Council has responsibilities as the Local Highway Authority & Local Transport Authority. In 2016, the County Council in conjunction with other partners produced “Connecting Oxfordshire”, an updated Local Transport Plan covering the period 2015 – 2031 (LTP4) and setting out the strategic framework for transport across Oxfordshire.

“Connecting Oxfordshire” has been developed with three over-arching transport goals (economy, environment and society):

1. To support jobs and housing growth and economic vitality;
2. To reduce emissions, enhance air quality and support the transition to a low carbon economy
3. To protect and enhance Oxfordshire’s environment and improve quality of life (including public health, safety and individual wellbeing)

A crucial element of the LTP4 update is the inclusion of an Active and Healthy Travel Strategy. The Strategy aims to contribute to reducing pressure on the road network, contribute to economic growth and the reduction of emissions, quality of life and health, and link active travel with bus and rail options by enabling sustainable door to door journeys, combining cycling or walking with public transport. The LTP is supported by Walking & Cycling Design Standards, which must be followed by developers.

As set out below, planning applications may need to be supported by detailed transport assessment work, and development mitigated through measures including; works to the public highway, actions such as the use of Travel Plans, or financial contributions towards strategic highway projects.

Developers will be required to directly mitigate their development and have sufficient access arrangements but also where appropriate, to contribute towards the wider transport impacts on the network to which their development contributes.

Oxfordshire County Council Responsibility	Oxfordshire County Council has responsibility as the local Highways Authority and local Transport Authority.
Policy Documents – Local Transport Plan	<p>Connecting Oxfordshire – Local Transport Plan 2015 – 2031</p> <p>This sets out that (Policy 17): <i>Oxfordshire County Council will seek to ensure through cooperation with the districts and city councils, that the location of development makes the best use of existing and planned infrastructure, provides new or improved infrastructure and reduces the need to travel and supports walking, cycling and public transport.</i></p> <p>Policy 34 identifies:</p>

	<ul style="list-style-type: none"> - <i>The intention to secure transport improvements to mitigate the cumulative adverse transport impacts from new developments in the locality and/or wider area, through effective Travel Plans, financial contributions from developers or direct works carried out by developers;</i> - <i>The need to identify passenger transport services needed to serve a development and to negotiate with the developer for the provision of these;</i> - <i>The use of effective travel plans; and</i> - <i>The intention to seek commuted sums where appropriate.</i> <p>The Local Transport Plan can be viewed at: https://www.oxfordshire.gov.uk/cms/content/ltp4-policy-and-overall-strategy</p> <p>Local Plans may also include policies and requirements in relation to highway matters. Relevant links to the District Councils can be found in Appendix 2.</p>
Supporting Documents	<p>Applicants are encouraged to seek pre-application advice where it is anticipated there may be an impact on the public highway. This can be viewed at: https://www.oxfordshire.gov.uk/cms/content/pre-application-highways-advice-major-planning-applications</p> <p>As the local Highway Authority advice is provided on:</p> <ul style="list-style-type: none"> • relevant policies and guidance; • the relevant level of detail and supporting information necessary to provide a valid assessment of highways and transport issues; • whether a contribution towards highways and/or transport improvements is likely to be required; • where a Transport Statement / Assessment is required, the content, scope, preparation and presentation that is likely to satisfy our requirements; • Suitability of access arrangements (may require separate concept design check with associated fees). <p>Guidance on the requirements for Transport Assessments and Transport Statements can be found in: The 'Position Statement – On the Application of Contemporary Highway Design Guidance in Oxfordshire, 2014'</p> <p>https://www.oxfordshire.gov.uk/cms/sites/default/files/folders/documents/roadsandtransport/transportpoliciesandplans/newdevelopments/PositionStatement.pdf</p>

	<p>and in Transport for New Developments: Transport Assessments and Travel Plans, 2014.</p> <p>https://www.oxfordshire.gov.uk/cms/sites/default/files/folders/documents/roadsandtransport/transportpoliciesandplans/newdevelopments/TATPGuidance.pdf</p> <p>Guidance on the requirements for Highway Design can be found in:</p> <p>Residential Road Design Guide, 2015⁸ https://www.oxfordshire.gov.uk/cms/sites/default/files/folders/documents/roadsandtransport/transportpoliciesandplans/newdevelopments/DesignGuidePublication.pdf</p> <p>Note – the walking and cycling elements of the Residential Design Guide are superseded by new Walking and Cycling Design Standards.</p> <p>Oxfordshire Cycling Design Standards, 2017 https://www.oxfordshire.gov.uk/cms/sites/default/files/folders/documents/roadsandtransport/transportpoliciesandplans/newdevelopments/CyclingStandards.pdf</p> <p>Oxfordshire Walking Design Standards, 2017 https://www.oxfordshire.gov.uk/cms/sites/default/files/folders/documents/roadsandtransport/transportpoliciesandplans/newdevelopments/WalkingStandards.pdf</p>
Assessing the Impact of Development	<p>Early discussions with the Highway Authority are recommended to determine the requirement for and scope of, any Transport Assessment or Transport Statement. Guidance on thresholds and content can be found in Transport Assessments and Travel Plans at https://www2.oxfordshire.gov.uk/cms/sites/default/files/folders/documents/roadsandtransport/transportpoliciesandplans/newdevelopments/TATPGuidance.pdf and through the pre-application advice services.</p> <p>The County Council will use the Transport Assessment or Transport Statement to help determine the likely impact upon the highway and therefore the scope of any highway works, or other mitigation measures that may be needed.</p>
Highway Design	<p>Design requirements will be subject to individual circumstances but overall guidance is provided in the Road, Cycling and Walking Guides available from the links above.</p>

⁸ Currently being updated

Commuted Sums for Maintenance	<p>When the Highway Authority takes on assets from developers it incurs maintenance costs for the life of the assets, and replacement costs at the end of their useful life. These sums are most commonly secured through Section 38 and 278 Agreements. The types of assets that may require a commuted sum include but are not limited to:</p> <ul style="list-style-type: none"> • Street lighting; • Traffic signals and illuminated signs; • Controlled and uncontrolled pedestrian crossings; • Highway structures such as retaining walls, bridges and gantries; • Landscaping, including trees and adopted land; • Public transport infrastructure; • New Pavements; • Street furniture and bollards; • Drainage infrastructure including SUDs; • Traffic management features • New carriageways. <p>The calculation of commuted sums for maintenance follows the principles set out in the guidance produced for the Department for Transport by ADEPT (Association of Directors of Environment, Economy, Planning and Transport).</p> <p>The issue of long term maintenance of highways infrastructure should be discussed at an early stage in the process.</p>
Mitigation Measures	<p>The County Council will encourage priority to be given to measures promoting 'smarter choices' where mitigation measures are required i.e. measures to encourage travel by means other than the private car. However, some development schemes will require highway improvement works to be provided as set out below.</p>
Works and/or Contributions	<p>Highway works may be funded or delivered through a number of means including delivery by a developer on approved terms, or through a financial contribution to the County Council. In mitigating the impact of a development on the highway network, direct mitigation by the developer is generally required through a S278 agreement.</p> <p>In relation to the impact of individual developments, the County Council will require developers to procure the necessary works to mitigate the impact of their development. Where the cumulative impact of a number of developments requires a specific Highway improvement project, the County Council may secure financial contributions through a S106 agreement (subject to the pooling limitations) or through S278/S278 contributions and procure the necessary works.</p>

	<p>The S106 agreement will identify indicatively any highway works and measures. The agreement may prevent development starting until a Section 278 agreement for these works has been entered into and also specify the trigger for completion of these works. The S278 process addresses detailed design and construction of the measures.</p> <p>Where there is a need for identified highways scheme resulting from the impact of a number of developments this may be funded by a number of mechanisms including through CIL, where this is in place, and S106 contributions if appropriate as well as external funding sources such as Government grants.</p> <p>The County Council will therefore consider whether a developer contribution to such schemes (including from both residential and commercial developments) will be required, and if so, the level of any contribution based on the following factors:</p> <ul style="list-style-type: none"> • The cost of the scheme; • Whether there is a CIL Charging Schedule in place and the content of the Reg123 list; • The level of any funding already secured, both from developer contributions and where appropriate, other sources; • Compliance with the CIL Regulations, including the pooling restrictions although these do not extend to payments further to the S278 Highways Act; • The scale and impact of the development. <p>There may also be a requirement for Road Safety Audits to be carried out by developers at their expense.</p>
Highway Works and Surety	<p>By requiring developers to undertake works under a Section 278 (which may encompass some dedication and adoption under Section 38 Highways Act 1980 as well), the work is completed as part of the development. There is an associated risk that works may not be completed satisfactorily. Thus, an appropriate surety in the form of either a cash deposit or a bond is required. This can be called on to pay for completion of the works, in the event of default.</p>
Safeguarding Land	<p>The County Council may require land to be safeguarded for highway works and associated construction needs with access to be provided without charge, and dedication without charge on the County Council certifying the works are complete. Where appropriate this will generally be secured through the S106 process.</p>
Management Fees	<p>For S278, S38 and private street agreements the County Council inspection and monitoring fees are 9% of the cost of works.</p>
Traffic Regulation Orders (TRO)	<p>Where a development envisages a TRO, e.g. to provide waiting restrictions, a fee is payable to Oxfordshire County Council, to cover the costs of consulting on, processing and advertising the order(s) and</p>



	<p>if approved making it. There is a general requirement for the developer to cover costs for all consents and the like required for a highway scheme.</p>
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7.6.2 Travel Planning

The encouragement of alternative sustainable uses of transport is necessary to support the environment and promote public health but also relieve pressure on the highway network. National and local policy aims to encourage patterns of growth and other measures to ensure that maximum use is made of public transport, walking and cycling. The County Council is seeking through the Local Transport Plan and the Active and Healthy Travel Strategy to contribute to reducing pressure on the road network, to the reduction of emissions, and to link active travel with bus and rail options by enabling sustainable door to door journeys combining cycling or walking with public transport.

The County Council will proactively seek ways for active travel and transport to play a role in contributing to the health agenda. This will use opportunities created by new development as well as other funding sources.

Travel Plans are long term management strategies which seek to integrate proposals for sustainable travel into the planning process. They enable opportunities for sustainable modes of travel such as walking, cycling and public transport to be integrated into existing and proposed developments.

Travel plans are likely to be sought on applications for retail, leisure, business, employment, health, residential and educational development as appropriate. This includes applications for redevelopment, mixed use schemes, changes of use of buildings and applications to extend the duration of an existing planning permission.

A Travel Plan will include a range of actions and targets that are crucial to establishing its success.

Further information on travel plans in Oxfordshire can be found from travelplan@oxfordshire.gov.uk

Oxfordshire County Council Responsibility	Oxfordshire County Council has responsibility as the local transport authority and under the Education and Inspections Act 2006, authorities are encouraged to develop Travel Plans with schools.
Policy Documents	Connecting Oxfordshire – Local Transport Plan 2015 – 2031 https://www.oxfordshire.gov.uk/cms/content/ltp4-policy-and-overall-strategy Connecting Oxfordshire – LTP4 Active and Healthy Travel Strategy https://www.oxfordshire.gov.uk/residents/roads-and-transport/connecting-oxfordshire/active-and-healthy-travel
Signposting Documents	Travel Plan and Monitoring Fees Thresholds https://www.oxfordshire.gov.uk/cms/sites/default/files/folders/documents/roadsandtransport/transportpoliciesandplans/newdevelopments/Travelplanrequirementsmonitoringfees.pdf

	<p>Travel Information Pack Guidance https://www.oxfordshire.gov.uk/cms/content/travel-plans-statements-and-advice</p> <p>https://www.oxfordshire.gov.uk/cms/sites/default/files/folders/documents/roadsandtransport/transportpoliciesandplans/newdevelopments/TravelInformationPackRequirements.pdf</p>
	<p>Travel Plan Statement Template and Framework Travel Plan template https://www.oxfordshire.gov.uk/cms/content/travel-plans-statements-and-advice</p>
	<p>Transport Assessments and Travel Plans Advice, March 2014 https://www.oxfordshire.gov.uk/cms/sites/default/files/folders/documents/roadsandtransport/transportpoliciesandplans/newdevelopments/TravelAssessmentsandTravelPlans.pdf</p>
When will Travel Plans be Required?	<p>Travel Plans, Travel Statements and Travel Framework Plans are required for a range of land uses as set out in the Travel Plan and Monitoring Fees Thresholds.</p>
Type of Travel Plan	<p>The type of Travel Plan required will depend on the scale of the development and the land use proposed, for example whether the proposed development is for a school, for residential or commercial uses.</p> <p>Information on types of Travel Plan and Travel Plan templates are available at: https://www.oxfordshire.gov.uk/cms/content/travel-plans-statements-and-advice</p>
How will they be Secured?	<p>Planning obligations are the most appropriate mechanism for securing payment to undertake monitoring of travel plans. This is because obligations provide for financial contributions to be secured.</p> <p>However, ordinarily the production of a Travel Plan and delivery of its measures is secured by condition.</p>
Monitoring	<p>The County Council may require a Travel Plan Monitoring fee to ensure that developments are delivered in line with the relevant Travel Plan. These are set out on the Council's website in the 'Travel Plan Monitoring Fees thresholds and costs' document set out above.</p>

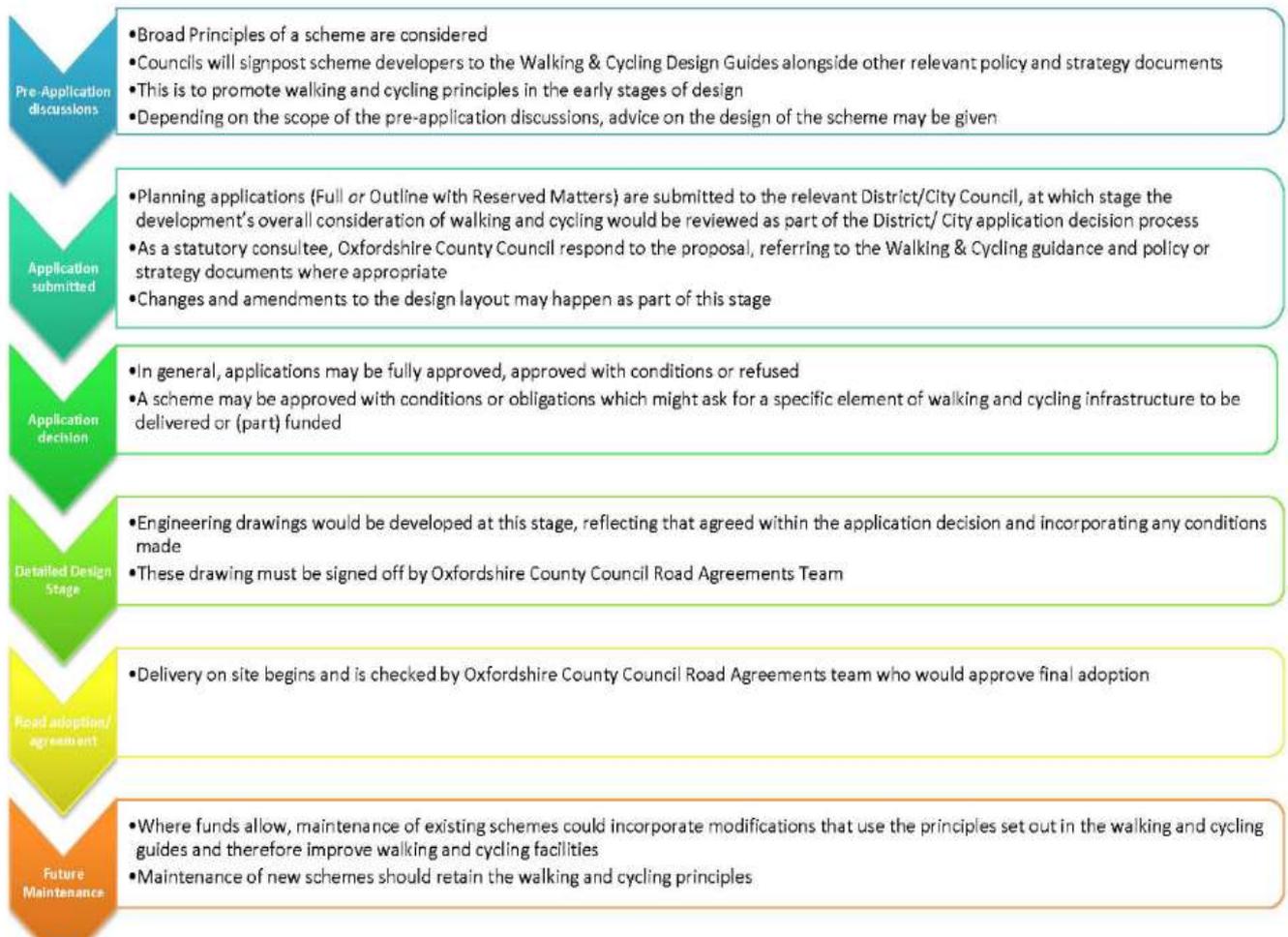
7.6.3 Healthy and Active Travel

Active and healthy travel is more than just another mode of transport. These travel choices have the added benefit of improving personal health and fitness, contributing to cutting congestion and decreasing pollution and can increase community cohesion through greater levels of personal interaction (particularly walking). However, we are aware that many people do not consider walking or cycling due to concerns about safety and personal security.

Connecting Oxfordshire 2011-2031 (Local Transport Plan LTP4) includes an Active Healthy Strategy (AHTS) which aims to create the conditions in which more people choose to walk and cycle for more journeys, including those where people use a combination of walking, cycling and public transport to reach their destination (also known as door to door).

Oxfordshire County Council has produced information on walking and cycling design, recognising the unique needs of pedestrian and cyclists and these will need to be considered and addressed when designing development and connections to existing settlements.

The role of the Walking & Cycling Design Standards in the Planning Process



Oxfordshire County Council Responsibility	<p>Oxfordshire County Council, as the Local Highway Authority and Local Transport Authority, will encourage the use of modes of travel associated with healthy and active lifestyles.</p>
Policy Documents	<p>Connecting Oxfordshire – Local Transport Plan 2015 – 2031 https://www.oxfordshire.gov.uk/cms/content/ltp4-policy-and-overall-strategy</p> <p>The Active Healthy Travel strategy and Walking and Cycling Design Standards are available at: https://www2.oxfordshire.gov.uk/cms/content/ltp4-active-and-healthy-travel</p>
Developer Requirements	<p>Developers are encouraged to use the Oxfordshire Walking and Cycling Design Standards to create good highway design and, in conjunction with travel plans, to raise awareness of the benefits of walking and cycling and promote routes that make good provision for pedestrians and cyclists.</p>
What Might Contributions be Required for?	<p>Contributions may be sought for:</p> <ul style="list-style-type: none"> - Provision of new cycleways - Upgrade of cycleways and pedestrian facilities - Cycle & walking initiatives <p>Developers must demonstrate through site design and master planning how their site has been planned to make cycling convenient and safe, for cyclists travelling to and from major residential, employment, education, shopping and leisure sites within 5-10 miles, and also within and through the site.</p>
Infrastructure Provision/Contributions Calculation	<p>Developers are advised to use and follow the Oxfordshire Cycling Design Standards, 2017 available at: https://www.oxfordshire.gov.uk/cms/sites/default/files/folders/documents/roadsandtransport/transportpoliciesandplans/newdevelopments/CyclingStandards.pdf</p> <p>The County Council may ask developers to fund Quality Audits, to include cyclability audits, so that the local user view is incorporated into new cycle facilities.</p>

7.6.4 Public Transport Services and Infrastructure

The County Council has developed a Bus and Rapid Transit Strategy which complements and implements elements of the Local Transport Plan (LTP4). This Strategy seeks to enhance the role of the bus as a key component of the overall public transport network in the County. The enhancement of bus routes and hubs and other interchanges facilitates better public transport connectivity and access and has benefits for accessibility to key services, reducing car use and managing car emission levels, and is a contributor to healthier lifestyles.

The Bus Strategy identifies that the County Council working with the bus operators wish to take advantage of travel demand from proposed future development, in particular, housing, employment and urban retail with the aim of increasing the frequency of existing bus routes and introducing new routes where different travel patterns are created. S106 contributions may therefore be requested from developers in order to 'pump prime' new routes or incremental enhancements to existing routes.

Bus services need to be designed such that they will be commercially viable in the longer term.

Oxfordshire County Council Responsibility	Oxfordshire County Council, as the Local Highway Authority and Local Transport Authority, has responsibilities for public transport under the Transport Act 1985, the Transport Act 2000, the Traffic Management Act 2004 and the Local Transport Act 2008. The legislation requires the production and review of a Local Transport Plan which identifies transport policies and how these will be delivered.
Policy Documents	<p>Connecting Oxfordshire – Local Transport Plan 2015 – 2031 https://www.oxfordshire.gov.uk/cms/content/ltp4-policy-and-overall-strategy</p> <p>Connecting Oxfordshire – Local Transport Plan 2015 – 2031: Cycle Strategy/Bus and Rapid Transit Strategy. ConnectingOxfordshireVol4CycleBusStrategies.pdf</p>
Developer Requirements	<p>Developers are required to assess the public transport need of their development. Each development will have a bespoke solution as the decision will be influenced by existing routes and location. In some areas, the County Council has formulae for contributions based on the need for improving bus services due to various developments in those areas and advice on this will be given at pre-application and application stages as appropriate.</p> <p>Public transport should be available early in the development to ensure that new residents have the opportunity to use sustainable modes of transport to get to employment, education, services and health facilities without the need for a car.</p>
What might Contributions be Required For?	<p>Contributions may be sought:</p> <ul style="list-style-type: none"> - To support the development of new bus services; - To increase the frequency of existing bus services;

	- For bus stop infrastructure.
Infrastructure provision/Contributions Calculation	<p>In line with the Bus Strategy any developer contribution is a matter of negotiation and agreement between the relevant local authorities and the developers in line with the factors set out in Table 11.1 below and having regard to the impact that the development is likely to have on the public transport system.</p> <p>Bus services are not infrastructure and contributions are not therefore subject to pooling restrictions.</p>
Relevant Standards	<p>As a guide, new residential developments should be within a walking distance from a bus stop of 400 metres. Longer distances may be acceptable if a much faster, reliable and/or frequent service can be provided.</p> <p>Design must enable easy transfer to and from the footway network.</p> <p>Where a new bus service is identified as being needed within a new development, the development should be designed to be able to accommodate buses with roads of adequate size and geometry.</p>
Other	The County Council is reviewing the way in which the policy and process for developer contributions towards transport improvements, including bus services and infrastructure operates. Any revised process will be made available on the website.

Table 11.1 Factors in considering developer contributions to bus service and infrastructure improvements. Source: Connecting Oxfordshire – Local Transport Plan 2015 – 2031 – Cycle Strategy/Bus and Rapid Transport Strategy

Improvement	Factor
New bus service or improvement in existing frequency/daily coverage	<ul style="list-style-type: none"> • Size of development • Location of development (i.e. distance from existing frequent public transport corridor) • Frequency/commercial viability of existing bus services • Proximity to existing urban centres and travel generating destinations • Potential links to other proposed developments • For commercial developments, knowledge of operating hours⁹
Bus priority measures	<ul style="list-style-type: none"> • Evidence of current problems and/or future congestion resulting from development-related travel demand.

⁹ This is an additional point to those set out in the LTP which has been added into this Guide.

	<ul style="list-style-type: none"> • Requirement to minimise journey times to adjacent settlements/developments.
Bus stops and support accessibility improvements (walking routes and road crossings)	<ul style="list-style-type: none"> • Size and geographic extent of development • Minimising the required walking time from the development • Proximity of existing or proposed bus routes

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7.7 Protecting and Enhancing the Environment

7.7.1 Public Rights of Way

Development has the potential to affect Public Rights of Way both within the development site and off site. The County Council's priorities for working with developments are to protect existing countryside access and to mitigate the impacts of development to enhance the network for all users in the following key areas:

- Protecting and enhancing access on individual developments;
- Securing mitigation measures linked to individual development sites;
- Seeking pooled contributions where permitted and appropriate towards important local area countryside access route assets; and,
- Supporting growth, the economy and quality of place, in the priority development and growth areas.

Oxfordshire County Council Responsibility	<p>The County Council is the Highway Authority for all public rights of way (PRoW) and is required to produce a Rights of Way Improvement Plan (RoWIP) under the Countryside and Rights of Way Act 2000.</p>
Policy Documents	<p>In Oxfordshire the RoWIP is called the Rights of Way Management Plan and is valid 2015 – 2025. www.oxfordshire.gov.uk/rowip</p> <p>The Definitive Map and Statement is the statutory record of public rights of way available online at: https://www.oxfordshire.gov.uk/residents/environment-and-planning/countryside/countryside-access/public-rights-way/changing-public-rights-way/about-definitive-map</p>
Requirements	<p>A PRoW Planning Information Note has been prepared setting out the issues that developers should consider when undertaking works which might affect PRoW, and outlining indicative conditions which the County Council may ask the Local Planning Authority to include.</p> <p>https://www2.oxfordshire.gov.uk/cms/content/what-local-communities-can-do-improve-access</p> <p>It is the responsibility of the developer to ensure that their proposal takes account of the legally-defined route and width of any public right of way as recorded in the Definitive Map and Statement. If a development is likely to need to alter a PRoW then early discussions should be held with the Definitive Map & Commons Team through the Councils website at https://www2.oxfordshire.gov.uk/cms/content/contact-definitive-map-and-commons-team .</p>

	<p>Where the PRoW or relevant part thereof, is over land within the control of the developer, the developer may be required to complete the works under agreement.</p> <p>Where the works require the agreement of any third-party owners, the County Council may agree to take a financial contribution towards the funding of the works. Any transport strategy that relies upon the delivery of an upgraded PRoW must be proved feasible by the developer to be accepted. This feasibility testing may include prior consultation with residents and user groups (which might form part of the planning application consultation) and evidence of costs, landownership and timings. Such improvements, where appropriate, may be secured by a Section 106 Agreement restricting development until a public path creation agreement has been entered into. The developer will be expected to fund any legal measures required to alter PRoWs, including consultation where required. The agreement would also require the cycle track, or cycle-able route, to be constructed in accordance with specifications agreed by the Highway Authority.</p>
Contributions	<p>Mitigation measures on PRoW outside the development site:</p> <p>Contributions may be sought towards mitigation measures on existing rights of way in the wider area that are likely to be affected by the development in order to ensure that the rights of way are a suitable standard to cope with the additional usage.</p> <p>The contribution would normally be spent in the ‘impact’ area up to 5km from the site. This is normally focused on upgrading the surfaces of key routes to take account of the likely increase in use by residents of the development as well as new or replacement structures like gates, bridges and seating, sub-surfacing and drainage to enable easier access, improved signing and protection measures such as anti-motorcycle barriers. New short links between existing rights of way may also be included. The contribution would include where necessary - site surveys & assessments, habitat survey & mitigation, landowner negotiations, materials, plant & equipment, legal processes e.g. temporary works closures, contract preparation & supervision, admin costs, and follow up repair works.</p> <p>Important local area countryside access route assets</p> <p>The RoWIP identifies some of the key access route assets across the County to be pooled from developments, subject to the CIL pooling limitations. These are identified in Table 12.1 below, and in Appendix B of the RoWIP.</p>

Contributions Calculation	Contributions will be indexed and based on an assessment of the anticipated costs of individual schemes linked to a specific development site, not calculated with a standard tariff.
Thresholds	For most applications, large or small, standard suggested conditions will be promoted to the Local Planning Authority to protect and enhance PRow and public green spaces within an application's boundary. Whether other measures are required will depend on the location and nature of the development and likely impact on PRow.

Table 12.1: Important local area countryside access route assets

County-wide	Thames Path National Trail corridor, Ridgeway National Trail corridor, Oxford Canal Walk corridor, Wilts and Berks Canal Walk corridor, Oxfordshire County Council promoted walks and rides.	Source: Rights of Way Management Plan 2015 - 2025
Cherwell District	Cherwell District Council circular walks and rides, Claude Duval riding route, Oxford Green Belt Way	Source: Rights of Way Management Plan 2015 - 2025
West Oxfordshire	West Oxfordshire District Council and Cotswolds AONB promoted circular walks and rides, Lower Windrush Valley Path, Wychwood Way, Oxford Green Belt Way, Bablock Hythe crossing, d'Arcy Dalton Way	Source: Rights of Way Management Plan 2015 - 2025
South Oxfordshire	South Oxfordshire District Council, Chilterns AONB and North Wessex Downs AONB promoted circular walks and rides, Oxford Green Belt Way, Judges Ride, Swans Way, Chilterns Way.	Source: Rights of Way Management Plan 2015 - 2025
Oxford City	Oxford Green Belt Way, Oxford Green Spaces Walk, Bablock Hythe crossing	Source: Rights of Way Management Plan 2015 - 2025
Vale of White Horse	Vale of White Horse District Council and Wessex Downs AONB promoted walks and rides, Oxford Green Belt Way, Bablock Hythe crossing.	Source: Rights of Way Management Plan 2015 - 2025

7.7.2 Waste Management

The Waste (England and Wales) Regulations 2011 requires local authorities to manage waste according to the waste hierarchy (Reduce, Reuse, Recycle, Recover and Dispose). As the Waste Disposal Authority, the County Council must arrange for the disposal of controlled waste collected in its area by the waste collection authorities as well as having a duty to provide facilities for residents to deposit their household waste.

Oxfordshire's Joint Municipal Waste Management Strategy 2013 (JMWMS) sets out the vision for managing waste across the County and has been adopted by all Districts¹⁰. In accordance with the JMWMS, developments should be provided with easy, convenient and accessible methods of reducing, reusing, recycling and managing their waste including through access to the network of Household Waste and Recycling Centres (HWRC's).

The HWRC Strategy identifies that the current HWRC network of seven waste and recycling sites is not fit for purpose for the future. Many existing site locations are not strategically placed near centres of population. Individual sites have physical, contractual or planning constraints that results in the inability to increase tonnage capacity in the future. This means incremental infrastructure modifications, to increase capacity for future requirements, is not possible. In addition, very little repair and reuse is currently undertaken on these sites. The HWRC Strategy agreed by Cabinet is to adopt a site rationalisation approach based on: fewer, larger sites, located close to centres of population to reduce drive times, site design to maximise re-use and recycling, and working in partnership with District Councils and local communities.

The forecast increase in new homes to be built across Oxfordshire by 2040¹¹ will significantly increase the amount of waste for the Council to manage including the amount to be managed at the HWRC's. This is anticipated to be about a 40% increase from 2016 tonnages. A new housing development will impact the HWRC closest to the development and the whole HWRC network. When HWRC's reach capacity, queuing times become unacceptable and residents change the HWRC they use, causing more capacity issues across the HWRC network.

The waste management team is working to identify four new HWRC sites, starting with a site to service Oxford City, followed by a northern site then a southern site then a fourth site dependent upon the location of the other three. Suitable sites may be allocated in the Oxfordshire Minerals and Waste Local Plan Part 2 – Site Allocations Plan.

¹⁰ The Strategy is being reviewed but currently commits to:

- helping households and individuals to reduce and manage their waste in order to ensure zero growth or better of municipal waste per person per annum;
- providing an integrated system of collection and processing of household waste which will achieve, as a minimum:
 - By 31st March 2020: recycle or compost at least 65% of household waste;
 - By 31st March 2025: recycle or compost at least 70% of household waste;
- ensuring that recycling facilities and services are available to all residents.

¹¹ Forecast as 123,500 new homes 2016 – 2040, Oxfordshire Infrastructure Strategy, 2018

Oxfordshire County Council Responsibility	The County Council is the Waste Planning Authority (WPA), which means that it must plan for future waste development needs in the County and determine planning applications for waste developments.
Policy Documents	<p>Oxfordshire's Joint Municipal Waste Management Strategy 2013 (JMWMS) (under review) http://www.recycleforoxfordshire.org.uk/cms/content/our-strategy</p> <p>Oxfordshire Infrastructure Strategy (Stage1) https://www.oxfordshire.gov.uk/cms/sites/default/files/folders/document/s/communityandliving/partnerships/GrowthBoard/oxis_stage2.pdf</p> <p>HWRC Strategy https://mycouncil.oxfordshire.gov.uk/documents/s35340/CA_NOV2216R04%20-%20HWRC%20-%20Main%20Report.pdf</p>
Developer Requirements	Where appropriate having regard to any adopted CIL Charging Schedule and Regulation 123 list, and subject to pooling limitations, the County Council will require developers to mitigate the impact of a development on HWRC sites by paying a S106 contribution towards the cost of providing a new HWRC site that will serve the development.
Contributions Calculation	<p>The calculation for S106 contributions will be based on:</p> <ul style="list-style-type: none"> o The cost of increasing the required total HWRC network acreage; o The cost of increasing the building and hard infrastructure footprint costs; o The total number of new dwellings proposed across Oxfordshire that are contributing to the increase in waste. <p>The County Council would welcome working with developers, and district council partners, to identify potential sites for new HWRC's.</p>
Other Advice	<p>New developments should be planned to minimise waste arising in the first instance. The Waste (England and Wales) Regulations 2011 require local businesses and other bodies to ensure that all aspects of waste management are governed by the waste hierarchy. This means that architects and developers must make provision for waste to be reduced or reused prior to being put out for a recycling or refuse collection.</p> <p>Developers must adhere to the Building Regulations 2010 (revised 2015) and ensure that there is sufficient area for the number and size of receptacles prescribed by the waste collection authority under Sections 46 and 47 of the Environmental Protection Act 1990¹².</p>

7.7.3 Energy efficiency and use of natural resources

¹² County wide planning guidance for developers is currently being produced to be published Autumn 2018.

Oxfordshire is a leader in low carbon and renewable energy. All development proposals should seek to minimise their carbon emissions to meet local carbon targets and national target set out in the Climate Change Act 2008. The local targets are:

- Oxford - reduce carbon emissions by 40% by 2020
- Oxfordshire - reduce carbon emissions by 30% by 2030

Creating sustainable development is a requirement of national planning policy. Planning policies are set out in Local Plans by individual District Councils who can provide further guidance and advise on the specification of the development.

7.7.4 Natural Environment

Oxfordshire is a beautiful county boasting three internationally important, designated Areas of Outstanding Natural Beauty, the iconic river Thames winding through the county, and a wide range of special places to visit such as the Oxford Canal, historic parklands, ancient woodlands, downlands and riverside meadows.

Alongside the development of houses, businesses and infrastructure it is essential that communities have access to high quality landscapes, green spaces and a natural environment rich in wildlife. More widely, the range of environmental assets that provide benefit to people – the county's 'natural capital' must be conserved and enhanced to meet the needs of future generations. There is a wide range of national and local legislation and policy that relates to the natural environment. The framework for this continues to develop, notably within the context of *A Green Future*, the Government's 25 year plan for the natural environment (2018).

Oxfordshire County Council is the Minerals and Waste Planning Authority. It is also the determining authority for schemes which the County Council will undertake e.g. transportation. Developers of Minerals & Waste sites will need to contact the County Council for Green Infrastructure, Landscape and Ecology advice. Such advice is also provided within the council itself for Regulation 3 applications. For all other development, including housing sites the relevant District Council will advise.

The county contains a range of statutory wildlife sites such as Sites of Special Scientific Interest and other identified important Local Wildlife Sites. Development should provide for opportunities to protect and enhance wildlife within these and the county-wide network of areas of high biodiversity potential - Conservation Target Areas. The largest developments may need to consider opportunities to protect and enhance the environment at a landscape scale. Examples include the Wildlife Trust's Living Landscape Target Areas, the Wychwood Project and Lower Windrush Valley Project in West Oxfordshire, the Earth Trust within South Oxfordshire, within individual AONBs or at a cross-district catchment partnership level. Furthermore, the County Council has a duty to have regard to the purpose of conserving and enhancing the natural beauty within our three areas of outstanding natural beauty.

The District Councils will take the lead in ensuring that natural capital and green infrastructure is taken into account within the planning process particularly in relation to housing development. The County Council through the Natural Environment team (<https://www2.oxfordshire.gov.uk/cms/public-site/natural-environment>) will take the lead in ensuring that natural capital and green infrastructure (including ecology, protected species and landscape) is taken into account particularly in relation to minerals and waste and Regulation 3 developments directly relating to County Council development.

The Thames Valley Environmental Records Centre (TVERC www.tverc.org) provides the central point of contact for the collation, analysis and sharing of information on biodiversity and geodiversity within the county. Developers wishing to assess their impact on the natural environment should access the information held by TVERC. There is a presumption in the NPPF that development will result in a net gain in biodiversity where possible. TVERC provide and maintain a local biodiversity metric that can be used by developers to help assess whether proposals are expected to produce a net gain in biodiversity and to inform the design process to achieve this. Other biodiversity metrics are also available.

Where the environmental impacts of a development cannot be avoided or fully mitigated within a development, funding may be sought for any remaining adverse impacts. The developer may be able to deliver compensation directly. Where this is not the case the support of third parties such as other landowners or conservation organisations may be required to achieve the agreed outcome.

Where the County Council is the determining planning authority and compensation for unmitigated environmental impacts requires payment in lieu of direct action, developer contributions will be sought. In addition to the specific costs of compensating for the environmental impacts, a developer contribution will be expected to cover the reasonable costs of designing, administering and monitoring the compensation scheme to ensure the desired outcomes are achieved.

Oxfordshire County Council responsibility	<p>There is a wide range of environmental legislation that defines the County Council’s responsibilities relating to the natural environment. Further details can be found in <i>Biodiversity and Planning in Oxfordshire</i> available at https://www2.oxfordshire.gov.uk/cms/content/biodiversity-and-planning</p>
Policy Documents	<p>Environmental policies are contained within a number of policy documents referred to within this Guide.</p> <p>The list of sites of nature conservation importance can be obtained from TVERC www.tverc.org</p> <p>Details of Conservation Target Areas can be found at: https://www.wildoxfordshire.org.uk/biodiversity/conservation-target-areas/</p>

Developer Requirement	<p>Developers will be required to comply with any local plan policies and guidance.</p> <p>In relation to applications to be determined by the County Council, developers are required to assess the environmental impacts of their development and to follow the mitigation hierarchy of avoiding, reducing and mitigating any adverse environmental impacts.</p> <p>Where there are residual impacts that cannot be mitigated additional environmental compensation may be required. Developers will be expected to design new developments in ways that seek to enhance the landscape and biodiversity or other natural capital interest and provide benefits to communities through consideration of green infrastructure at an early stage in the design process. This may include consideration of off-site impacts on high value areas including AONBs and Conservation Target Areas.</p> <p>Developers should consider the use of a biodiversity metric to assess whether proposals will be providing a net gain in biodiversity. TVERC can provide a metric that is specific to Oxfordshire.</p> <p>Guidance on landscape character is available through the Oxfordshire Wildlife and Landscape Study http://owls.oxfordshire.gov.uk/wps/wcm/connect/occ/OWLS/Home/</p> <p>Further guidance on the requirements for developers can be found in <i>Biodiversity and Planning in Oxfordshire</i> and https://www2.oxfordshire.gov.uk/cms/public-site/environmental-policy-and-planning</p>
What Might Contributions be Required For?	<p>Contributions may be sought to compensate for environmental impacts which cannot be mitigated within the development in relation to wildlife, landscape and maintaining the overall level of environmental benefits provided by natural capital assets.</p>
Infrastructure Provision/Contributions Calculations	<p>Contributions will be indexed and based on an assessment of the anticipated costs of individual schemes linked to a specific development site, not calculated with a standard tariff. Where contributions relate to work undertaken by others an allocation will be made for the costs of designing, administering and monitoring the works.</p>
Relevant Standards	<p>There are a wide range of standards that may be appropriate and will be determined in relation to the specific requirements of a scheme.</p>
Other	<p>General guidance on the sensitivity of the natural environment to future change is available within Oxfordshire County Council's analysis of Environmental Sensitivity https://www2.oxfordshire.gov.uk/cms/content/environmental-sensitivity-change</p> <p>Wychwood Project www.wychwoodproject.org</p>

	Lower Windrush Valley project www.oxfordshire.gov.uk/cms/public-site/lower-windrush-valley-project Trust for Oxfordshire's Environment http://www.trustforoxfordshire.org.uk/
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7.7.5 Flood and Water Management and Sustainable Drainage Systems

New development should not increase flood risk and should take the opportunity to reduce flood risk to the existing site and surrounding area. Oxfordshire County Council as the Lead Local Flood Authority (LLFA) has a duty to develop and maintain a strategy for the management of local flood risk in Oxfordshire and is a statutory consultee in the planning application process, taking on a role previously discharged by the Environment Agency. The County Council works closely with the District Councils together with other partner organisations such as the Environment Agency.

Surface water drainage methods that take account of water quantity, water quality and amenity issues are collectively referred to as Sustainable Drainage Systems (SuDS). SuDS manage rainwater runoff in a way more similar to the natural run off process and planning regulations are designed to ensure that where possible SuDS are used on all new developments in England.

Oxfordshire County Council Responsibility	<p>The Flood and Water Management Act 2010 requires the County Council as the Lead Local Flood Authority (LLFA) to lead the coordination of flood risk management for surface water, ground water and smaller water courses in their area.</p> <p>From April 2015, District Councils have had the duty to ensure that 'fit for purpose SuDS' schemes are delivered on new developments unless they are deemed inappropriate. The County Council has the role of statutory consultee.</p>
Policy Documents	<p>Oxfordshire's Local Flood Risk Management Strategy https://www.oxfordshire.gov.uk/cms/sites/default/files/folders/documents/environmentandplanning/flooding/OxfordshireFloodRiskManagementStrategy.pdf</p>
Supporting Documents	<p>The County Council will produce further guidance for developers.</p> <p>'Local Standards and Guidance for Surface Water Drainage in Oxfordshire' will set out standards that are applied by the LLFA for new development proposals in Oxfordshire, which reflect the National Non-Statutory Technical Standards for SuDS. This guide provides Oxfordshire specific information on the planning, design and delivery of surface water drainage, designed to reduce the risk of flooding and maximise environmental gain, including water quality, water resources, biodiversity, landscape and amenity. The guide also aims to ensure that</p>

	<p>all new developments and redevelopments in the county are designed to mitigate and adapt to the effects of climate change.</p> <p>Once adopted this document is available on the County Council website. https://www.oxfordshirefloodtoolkit.com/wp-content/uploads/2018/12/LOCAL-STANDARDS-AND-GUIDANCE-FOR-SURFACE-WATER-DRAINAGE-ON-MAJOR-DEVELOPMENT-IN-OXFORDSHIRE.pdf</p>
Developers Requirements	<p>Developers must submit surface water drainage details and proposals to the LPA for all construction work that will have an impact on drainage of a site. Planning proposals should be in line with the National Non-Statutory Technical Standards for SuDS and should consider the Local Standards provided in the County Council Guidance referred to above. That Guidance also sets out the requirements that the County Council as LLFA will expect at each stage of the application and adoption and maintenance process.</p>
Maintenance and Adoption and Commuted Sums	<p>The responsibility for ensuring the long-term maintenance of SuDs in developments will sit with the developer. The LLFA may require evidence and documentation as part of the planning process (generally a planning condition) to demonstrate that appropriate provisions are in place (at least in principle) for the entirety of the drainage system to be adopted and maintained for the life time of the development.</p> <p>Adoption could be agreed through a Section 106 (of the Town and Country Planning Act 1990) agreement/separate agreement with the district, town or parish council and a Commuted Sum sought for the long-term SuDs maintenance.</p>

7.7.6 Archaeology

The National Planning Policy Framework (NPPF) requires an ‘applicant to describe the significance of any heritage assets affected [by their development] including any contribution made by their setting’ (NPPF para 189). This should normally be set out in a Heritage Statement submitted with the planning application. The NPPF states that as a minimum the Historic Environment Record (HER) will need to be consulted. The local HER is maintained by the County Council.

In addition to known archaeological sites and historic features across the county, new sites continue to be discovered, often as a result of development activities. It is therefore important that measures are taken when planning permission is considered to investigate, record, analyse and protect these non-renewable assets usually via a planning condition.

Oxfordshire County Council Responsibility	The County Council maintains the Oxfordshire Historic Environment Record and provides advice to the District Councils within Oxfordshire.
Signposting Documents	Information for applicants is provided on the County Council website at https://www.oxfordshire.gov.uk/cms/content/archaeological-planning-guidance
Developers Requirements	Developers should contact the Archaeology Team at the pre-application stage so that they can be aware of any requirements that may be made prior to or when an outline or full application is made. If there are areas of archaeological significance then the developer will be required to mitigate and plan how to protect assets in consultation with the Archaeology team.
Thresholds	Archaeological advice is provided for any planning applications that may affect the historic environment regardless of scale.
Types of Measures which May be Required	There may be a requirement for: <ul style="list-style-type: none"> • Site investigation, recording, analysing, archiving and reporting on archaeological structure or remains; • Site management, interpretation schemes and public access; • The provision of open space, to protect archaeological remains that are of sufficient importance to warrant preservation in situ, and the maintenance of the open space to prevent any form of ground disturbance.

7.8 Fire and Rescue Infrastructure

New development has the potential to increase fire risk and place additional demands on the fire and rescue service. It is therefore appropriate to ensure that appropriate infrastructure is delivered alongside new development.

Oxfordshire County Council Responsibility	<p>Oxfordshire County Council, in its capacity as the Fire and Rescue Authority has a statutory duty to respond to emergencies, ensure that all development is provided with adequate water supplies for firefighting and additional responsibilities under the Fire and Rescue Services Act 2004.</p>
Requirements and Details	<p>Developer contributions towards new fire service infrastructure facilities may be requested where a specific need arising from a development is identified. Any contribution will be calculated to be proportionate to the development, taking into account that contributions cannot be required to remedy existing deficiencies, the pooling limitations and any relevant CIL funding list.</p> <p>Contributions may be by way of land provision and/or financial contribution towards new infrastructure.</p> <p>The assessment of need for new infrastructure will take into account the location of facilities in relation to planned developments and response times to deal with emergencies. Alternatives to developer contributions can be explored, for example the fitting of new buildings with sprinkler systems (where not a requirement of building regulations), smart meters in houses or other facilities.</p> <p>New development may require the provision of fire hydrants and associated infrastructure. Where fire hydrants and associated infrastructure are required, then developers will need to agree a scheme with the Water Authority and County Fire Service and be responsible for funding this provision.</p> <p>Fire Hydrants Works may be needed to ensure the provision of an adequate supply of water for firefighting. Requirements for the provision of fire hydrants affixed to water mains and the carrying out of other works that are necessary to ensure adequate supplies of water, in terms of both volume and pressure, may be sought either as planning conditions or possibly through a legal agreement.</p> <p>Once infrastructure is installed, this should be protected whilst development is taking place on the site.</p>

	<p>Adequate access for fire-fighting vehicles and equipment from the public highway must be available and may require additional works on or off site.</p> <p>Appropriate requirements will generally be sought through the design process or planning condition. On some occasions, necessary mitigation measures may need to be secured through the use of a planning obligation. This may occur where there is a requirement for off-site infrastructure due to the individual or cumulative effects of development or where it is considered that a planning condition may not suffice.</p>
Standards	<p>Hydrants are generally required at 200m intervals so that each property lies within a 100m radius of a hydrant.</p> <p>There is agreement with the water authority that a hydrant won't be installed on a main of less than 90 mm diameter.</p> <p>The provision of hydrants may be a requirement on all developments depending on existing provision.</p>

Consultation Draft

7.9 Community Services

Community services like libraries, adult and children support services are essential in supporting and growing communities. The ways in which the County Council provide the cultural and support services are changing. There are now eight designated Children and Family Centres delivering a range of targeted and open-access sessions alongside the network of libraries bringing cultural and education support.

Oxfordshire County Council Responsibility	<p>The County Council’s remit includes social and community services, including libraries, museums and youth provision. With every new resident this produces pressure on the services and infrastructure in the county.</p> <p>Local authorities have a statutory duty under the Public Libraries and Museums Act 1964 ‘to provide a comprehensive and efficient library service for all persons’ in the area that want to make use of it (section 7). Local authorities have the power to offer wider library services beyond the statutory service to other user groups, and the Act allows for joint working between library authorities.</p> <p>The 1964 Act and 1972 Local Government Act provide the powers for local authorities to provide museums.</p>
Signposting Documents	<p>Details of the new operating system for children integration system & adult support can be viewed at: https://www.gov.uk/government/publications/guidance-on-libraries-as-a-statutory-service/libraries-as-a-statutory-service https://www.oxfordshire.gov.uk/cms/content/new-operating-model-childrens-integration-programme</p>
Developers Requirements	<p>Developers should contact the County Council regarding the cultural and community service contribution that may be required.</p>
Contributions	<p>Contributions may be collected towards a library or community hub for expansion or new provision, and will be considered on a case by case basis.</p>

8 Appendices

8.1 Appendix 1 - Glossary

Affordable housing

As defined in the National Planning Policy Framework, July 2018 Glossary

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/728643/Revised_NPPF_2018.pdf

Bond

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

CIL Charging Schedule

The Planning Act 2008 introduced a community infrastructure levy (CIL) as a tool for local authorities in England and Wales to help deliver infrastructure to support the development of their area. It came into force on 6 April 2010 through the Community Infrastructure Levy Regulations 2010. Authorities wishing to charge a levy must produce and adopt a CIL charging schedule which sets out rates (expressed as a £ per square metre of floorspace) that will apply to different forms of development in their area.

Commuted sum

A payment of a sum to the highway authority, local authority, or other body, as a rolled-up contribution towards the future maintenance of the asset to be adopted, or transferred.

District Authority

A lower tier non-unitary authority i.e. District or Borough or City Council, which acts as the local planning authority determining applications for most development.

Education, Skills and Funding Agency (ESFA)

The ESFA brings together the former responsibilities of the Education Funding Agency (EFA) and Skills Funding Agency (SFA) to create a single agency accountable for funding education and skills for children, young people and adults.

ESFA is an executive agency, sponsored by the [Department for Education](#).

Early Years and Childcare

The County Council service which organises childcare and pre-statutory education age learning (EY&C).

Extra Care Homes

Self-contained accommodation for older people with flexible care and support services. Seen as a more independent alternative to residential care.

Infrastructure

Includes public buildings, schools, roads, open spaces and parks, flood defences, police stations, fire stations and other structures.

Lead Local Flood Authorities (LLFA)

Upper tier authorities, such as Oxfordshire County Council, are Lead Local Flood Authorities. They are responsible for managing risks from local sources and act as a statutory consultee to local planning authorities in relation to surface water and SUDS proposals put forward in relation to major planning applications.

Local plan

The strategies, policies and supporting documents which the Local Planning Authority must adopt under the National Planning Policy Framework (NPPF) setting out its plans for growth and development policies. Previously known as Local Development Frameworks.

Local Planning Authority

An authority which is invested with the power to make binding planning decisions, such as a County, District, City or unitary Council. The County Council is the decision-making body for minerals and waste planning applications. For the purpose of a planning obligation the County Council and the District/City Council are local planning authorities.

Multi Use Games Area (MUGA)

An area with a synthetic surface providing the opportunity for use for multiple sports.

National Planning Policy Framework

The Government's main document on planning policy published on March 27, 2012 and revised on 24 July 2018 which sets out the Government's support for sustainable development.

Planning Obligations

An obligation between a local planning authority and the applicant/developer and others that have an interest in the land which make a development proposal acceptable in planning terms, that would not otherwise be acceptable, made under S106 of the Town and Country Planning Act 1990 (as amended).

Planning Performance Agreement

A Planning Performance Agreement (PPA) is a project management tool that the Local Planning Authority (LPA) and applicant can use to agree timescales, actions and resources for handling particular applications. PPAs can be used at the pre-application stage, the planning application stage and at the post decision stage or any combination of these.

Pooling Contributions

Planning obligations can be pooled together to fund infrastructure. However, Regulation 123 of the Community Infrastructure Levy Regulations 2010 limited the number of planning

obligations that can be pooled towards an 'infrastructure project' or an 'infrastructure type' to 5 with all obligations since April 2010 counting.

Regulation 123 list

When a charging authority (District Council) has adopted a CIL Charging Schedule it may publish a list under Regulation 123 (2) of the Community Infrastructure Regulations 2010 setting out infrastructure that may be funded from CIL receipts (but without any obligation to do so). A planning obligation that provides for the funding of infrastructure/delivery which appears in that list may not constitute a reason for the grant of planning permission.

Section 38

The Section in the Highways Act addressing the adoption of estate roads by the Highway Authority.

Section 106

The Section in the Town and Country Planning Act 1990 which gives Local Planning Authorities (which include the County Council for the purpose of this section) the right to enter planning obligations with a person with an interest in land to make a development acceptable in planning terms.

Section 278

This Section of the Highways Act that allows the Highway Authority to make an agreement with the developer for the developer to fund works in the highway. Frequently the developer agrees to undertake the works as the funding mechanism.

Special Education Needs & Disability (SEN or SEND)

The term 'special educational needs' has a legal definition, referring to children who have learning problems or disabilities that make it harder for them to learn than most children of the same age.

Supplementary Planning Document (SPD)

SPDs build upon and provide more detailed guidance about policies in the Local Plan. They do not form part of the Local Plan itself and they are not subject to independent examination, but they are material considerations in determining planning applications.

Sustainable Drainage Systems

Sustainable Drainage Systems aim to manage water quantity, water quality, amenity and biodiversity.

Transport Assessment/Transport Statement

A study to set out various transport issues relating to a proposed development to be submitted alongside a planning application. It identifies the measures that the applicant proposes to deal with the anticipated transport impacts of the scheme in relation to forms of travel.

APPENDIX 2 – Links to District Council Local Plan and Community Infrastructure Levy webpages

The following table provides links to the Oxfordshire District Local Plan and CIL pages. Also of relevance is the Oxfordshire Minerals and Waste Local Plan which can be found at: <https://www2.oxfordshire.gov.uk/cms/content/new-minerals-and-waste-local-plan>

District Council	Local Plan page	Community Infrastructure Levy webpage and status as at March 2018
Cherwell	https://www.cherwell.gov.uk/homepage/27/local-plans	CIL preparation paused https://www.cherwell.gov.uk/downloads/download/1116/community-infrastructure-levy-cil
Oxford	https://www.oxford.gov.uk/info/20067/planning_policy/743/the_local_plan	CIL adopted https://www.oxford.gov.uk/info/20187/community_infrastructure_levy
South Oxfordshire	http://www.southoxon.gov.uk/services-and-advice/planning-and-building/planning-policy/our-development-plan	CIL adopted http://www.southoxon.gov.uk/services-and-advice/planning-and-building/planning-policy/delivering-infrastructure/community-infr-2
Vale of White Horse	http://www.whitehorsedc.gov.uk/services-and-advice/planning-and-building/planning-policy	CIL adopted http://www.whitehorsedc.gov.uk/services-and-advice/planning-and-building/planning-policy/delivering-infrastructure
West Oxfordshire	http://www.westoxon.gov.uk/residents/planning-building/planning-policy/local-development-framework/	CIL in preparation: http://www.westoxon.gov.uk/residents/planning-building/planning-policy/local-development-framework/community-infrastructure-levy/