

Planning Policy

Oxford City Council

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Planning Obligations Supplementary Planning Document

Draft for consultation

(Changes to Area Committee version shown highlighted)



October 2006

PLANNING OBLIGATIONS SUPPLEMENTARY PLANNING DOCUMENT

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INTRODUCTION

1. The policies of the adopted Oxford Local Plan 2001-2016 aim to achieve well-planned, sustainable development. The City Council wishes to ensure that new development in Oxford comes with the necessary social and environmental infrastructure.
2. The purpose of this Supplementary Planning Document is to:
 - explain how the City Council will seek to ensure speed, transparency and consistency in the implementation of Local Plan policies through negotiated planning obligations;
 - indicate the infrastructure requirements which are likely to be needed to make development acceptable which would otherwise be unacceptable in planning terms;
 - provide guidance on standard formulae for calculating contributions where appropriate;
 - set out standard legal agreements so all interested parties are aware from the outset of infrastructure proposals.
3. It is hoped that this clear, certain, upfront approach will help developers. It will indicate their likely infrastructure costs and the terms of related obligations from the outset.
4. The Oxford Local Plan policies remain in effect through the Local Development Scheme until they are replaced by new policies in a Local Development Document. This Supplementary Planning Document seeks only to give further guidance on the implementation of particular policies within the Oxford Local Plan. It is, however, also written in the light of current national guidance.
5. This Supplementary Planning Document does not cover every possible circumstance that may need to be taken into account in a planning obligation. Instead it focuses on the use of planning obligations to address the likely impact of proposed development in most cases. It seeks to give guidance on

charges and formulae and sets out standard clauses for the most common infrastructure needs and provisions. Other measures may be negotiated in particular circumstances.



The bull work of art outside the Said Business School

PART 1 – GENERAL GUIDANCE

NATIONAL POLICY FRAMEWORK

6. A planning obligation is a legal agreement made under Section 106 of the Town and Country Planning Act 1990 (as amended by Section 12(1) of the Planning and Compensation Act 1991) usually in association with planning permissions for new development. It normally relates to an aspect of a development that cannot be controlled by imposing a planning condition or by other statutory controls. It can serve various purposes including:

- restricting the use of land;
- requiring specific operations to be carried out in, on, under or over the land;
- requiring land to be used in a specific way; and
- requiring a sum or sums to be paid to the local planning authority on a specified date or dates, or periodically.

7. Planning Policy Statement 1, Delivering Sustainable Communities, sets out the Government's overarching policy on the delivery of sustainable development through the planning system.

8. Guidance on the use of planning obligations is set out in ODPM Circular 05/2005. Planning obligations are negotiated agreements between local planning authorities and individuals with an interest in the land and are enforceable by the local planning authority concerned. For example, planning obligations might be used to prescribe the nature of the development (eg by requiring that a given proportion of housing is affordable); or to secure a contribution from a developer to compensate

for loss or damage created by a development (eg loss of open space); or to mitigate a development's impact (eg through increased provision for transport). Obligations can also be secured through unilateral undertakings by developers. Contributions may either be in kind or in the form of a financial contribution.

9. The obligations created run with the land in perpetuity so they may be enforced against both the original covenantor and anyone acquiring an interest in the land, unless the agreement specifies otherwise.

10. Planning obligations must be:

- relevant to planning;
- necessary to make the proposed development acceptable in planning terms;
- directly related to the proposed development;
- fairly and reasonably related in scale and kind to the proposed development; and
- reasonable in all other respects.

11. Government guidance goes on to say that developers may reasonably be expected to pay for, or contribute to, the cost of all or part of additional infrastructure necessitated only by their development. It is not legitimate to permit unacceptable development because a developer offers benefits or inducements that don't make the development any more acceptable in planning terms. Similarly, obligations should not be used as a means of securing the local community a share in the developer's profits. Developers should not be expected to pay for facilities that are needed solely to remedy existing deficiencies or to help achieve wider planning objectives that are not necessary to allow consent to be given for a particular development.

12. In November 2005, the Government issued a consultation document on proposals to collect nationally a supplementary levy on planning gain, based on a proportion of the rise in the value of land when planning permission is granted. Part of the revenue the Government received from this levy would fund regional infrastructure and part would be recycled to local authorities to spend 'as they think fit'. As a result, the Government proposes to reduce the scope of planning obligations to matters that relate specifically to the development site and to affordable housing. The Government has stated that any planning-gain supplement system would not be implemented before 2008. Therefore, this Document is needed in the interim.

SOUTH EAST PLAN

13. The draft South East Plan (March 2006) lists as one of its core principles the need for timely infrastructure provision that keeps pace with development. It states that local authorities should include policies and prepare guidance in their local development documents in liaison with key agencies, on developers' contributions towards infrastructure.

LOCAL POLICY

OXFORDSHIRE STRUCTURE PLAN

14. The adopted Oxfordshire Structure Plan 2016 (Policy G3) refers to the general need for developers to address the infrastructure requirements that result from new development. The County Council has published a general guidance note on this issue 'Infrastructure Service Needs for New Development' (copy available on the County Council website www.oxfordshire.gov.uk). However, this Supplementary Planning Document gives more detail about infrastructure needs applying to Oxford.

OXFORD LOCAL PLAN

15. The City Council is the local planning authority for determining planning applications. The infrastructure and community facilities required by the City

Council's Local Plan policies, the types of development they apply to, and the trigger thresholds, are set out in Table 1.

16. The Local Plan (policy CP.2) sets out the City Council's main policy for securing planning obligations. It states: 'Planning permission will only be granted when the City Council is satisfied that the direct physical, social and economic infrastructure, or other measures necessary to mitigate against the adverse impact of developments (including a proportional contribution to address the cumulative impact of the proposed development) and the relevant policy aims of the Development Plan, will be provided. The City Council, where appropriate, will seek to secure such measures through planning obligations.' In addition, Table 1 includes other Local Plan policies that refer to the obligations most commonly sought.

17. The City Council is the local authority responsible for deciding the level of contribution and how it should be secured for district council functions together with enforcing any on-site or off-site measures within the applicant's control. If infrastructure requirements relate to County Council functions, the County Council will be party to the negotiations and obligations. The County Council will enforce any on-site measures for County Council functions.

Table 1

Local Plan Policy	Residential development	Non-residential development	Local authority responsible	Covered by section
CP.2	Education		County Council	2.4
CP.2	Libraries	Libraries	County Council	2.8
CP.2	Waste recycling centres		County Council	2.14
CP.2	Museum Records Centre		County Council	2.9
CP.2	Day care provision for adults		County Council	2.3
CP.2	Youth service needs		County Council	2.15
CP.2	Fire and rescue services	Fire and rescue services	County Council	2.6
CP.14, RC.10, RC.11	Public art	Public art	City Council	2.11
CP.9, TR.1-2, TR.4-5, SR.9-11, NE.6, RC.10-11	Pedestrian and cycle routes on-site measures, provision of specific off-site routes, general off-site measures and public access to developments near water courses	Pedestrian and cycle routes on-site measures, provision of specific off-site routes, general off-site measures and public access to developments near water courses	County Council	2.13
CP.9, TR.1-4, TR.7-9	Highways Transport measures in general	Highways Transport measures in general	County Council	2.13
TR.2		Travel Plan monitoring	County Council	2.13
TR.6		Motorbike parking	County Council	2.13
TR.1-2 & TR.9	Park and Ride	Park and Ride	County Council	2.13
TR.7 & CP.9	Bus service and bus priority measures	Bus service and bus priority measures	County Council	2.13
TR.1-2, TR.13	Controlled parking zones	Controlled parking zones	County Council	2.13
NE.6, NE.17, NE.21 & NE.23 CP.2	Biodiversity	Biodiversity	City Council	2.10
CP.6 HS.4-7	Affordable Housing on-site (or off-site in exceptional circumstances)	Affordable Housing on-site (or off-site)	City Council	2.1
HS.16		Staff accommodation	City Council	2.1
HS.22-23 SR.2-3 SR.7-8 CP.2	Public open space/outdoor sports facilities Replacement sports facilities Children's play areas Allotments	Provision of public open space; joint use of new sports facilities provided by the private sector Replacement sports facilities	City Council	2.10
ED.5-8, ED.10		Student numbers	City Council	2.12
SR.15 CP.2	Community facilities	Joint use of community facilities provided by the private sector	City Council	2.2
CP.2 SR.3	Indoor sports facilities	Joint use of new sports facilities provided by the private sector	City Council	2.7
CP.9, RC.10-11 SR.7 TA.3		Environmental improvements Tourist information signs	County Council City Council	2.5

18. Appendix 1 sets out other Local Plan policies that refer to planning obligations, but in practice the measures sought would normally be achieved by condition or other means, and would only be included in planning obligations in site-specific circumstances.

STANDARD FORMULAE AND THRESHOLDS

19. Appendix 2 sets out the thresholds, standard formulae/charges that would normally apply to residential development where the impact of development is reasonably predictable. Appendix 3 provides the same information for non-residential development. **Background notes are available setting out the methodology for calculations in more detail.** In some cases, the impacts and the likely mitigation through contributions are less predictable and can only be established through site-specific investigation and negotiation.

20. The City Council encourages mixed-use developments in appropriate locations and would apply the standard formulae and charges in proportion to the number of dwellings/amount of non-residential floorspace proposed.

POOLED CONTRIBUTIONS

21. Where the combined impact of several developments creates the need for infrastructure, the City Council may pool contributions. Infrastructure requirements may be identified and costed based on the cumulative impact of developments. The cost of the infrastructure will then be split in proportion to the needs arising from the proposed developments to ensure that infrastructure is provided in a fair, equitable and timely way. The infrastructure would then be put in place after funding to start the project had been secured.

PLANNING OBLIGATIONS PROCESS

22. As stated in the City Council's Statement of Community Involvement, all applicants and their agents are strongly encouraged to discuss development proposals with the City Council planning team before they submit a formal planning application. However, this does not guarantee a proposal will be accepted. Discussion before applying may

highlight the likely impact of the development, and suggest ways to mitigate it. Alternatively, infrastructure requirements will be identified when applications are submitted.

23. For major applications, a 'development team' will be set up to discuss the initial proposals. This team will include officers in other departments of the City Council and may include outside bodies, such as the County Council. However, while planning officers will offer advice, any advice given cannot influence or pre-judge the formal consideration of an application.

24. Applicants will be advised of the appropriate process for securing the infrastructure needed (by unilateral undertaking or agreement) and the parties involved. Applicants are requested to complete and return a legal questionnaire so that a draft obligation can be promptly prepared.

25. **Applicants are encouraged to discuss and agree draft heads of terms at the pre-application stage whenever possible so the obligation can be drafted when the application is submitted.** Planning officers will present to committee key aspects of a proposed obligation that are relevant to the application. The City Council expects that major applications involving a planning obligation will be decided within 13 weeks of submission. If the applicant delays completion of the obligation unduly, the committee will grant officers delegated powers to refuse the application.

26. Details of the procedures for securing the various infrastructure needs are set out in the City Council Negotiating and Implementing Planning Obligations Code of Practice (available on the City Council website).

PRIORITY FOR INFRASTRUCTURE

27. Most developments are expected to satisfy all the infrastructure requirements identified. Applicants who cite non-viability as the reason for not meeting all infrastructure requirements must support their case with financial evidence, which they should submit with the planning application. The evidence will be open to public scrutiny and, where necessary, will

be audited by external experts. When applicants submit evidence of non-viability, the City Council will expect to see the calculations for the important factors set out in enough detail for viability to be properly assessed and tested. Any ‘assumptions’ must be clearly explained and justified. This evidence will be assessed on whether the figures prove that the scheme would be unviable if it was to meet all planning obligation requirements. The City Council accepts that residential development seeks to achieve in the region of 20% total profit on cost (or 15% profit on gross development value).

28. The City Council expects developers to have considered the financial implications of the planning obligation policies when buying land for development or taking an option to buy the land. The City Council is aware that developers will try to maximise the land value for the landowners. However the planning system is clear that legitimate planning obligations should be taken off the land value. So land cost will not be accepted as a reason for non-viability. An example of a potentially acceptable reason would be the extraordinary cost of clearing up a highly contaminated site.

MAINTENANCE CONTRIBUTIONS

29. In cases where a development results in a need for new infrastructure or a new facility and the infrastructure is passed to the City Council’s ownership (eg open space provision, children’s play area, public art), the City Council will require a maintenance contribution generally as a one-off payment. The maintenance contribution to cover the physical upkeep of the facility will usually be equivalent to 10 years’ maintenance cost. Where developers choose to retain responsibility for the facility, they will need to be bound by a planning condition to ensure proper maintenance (or by obligation on sites involving biodiversity issues).

LEGAL AGREEMENTS

30. Appendix 4 sets out a standard unilateral undertaking and agreement with standard clauses. These broadly follow the standard

agreement in the Planning Obligations Practice Guidance.

31. Developers will be encouraged to use unilateral undertakings when the contributions required towards infrastructure for solely City Council or solely County Council functions are currently under £10k. Such payments are made in full on completion of the unilateral undertaking. They do not require the local authority to establish title to land and should require less time to complete. Unilateral undertakings may also be offered under the planning appeal process.
32. Agreements are required to secure funding currently above £10k or infrastructure needs covering both City and County Council functions. Contributions are normally payable when development starts.
33. Financial contributions are to be index-linked to maintain the real value of the payments, so that the infrastructure can be provided in good time. The indices used will differ according to the type of infrastructure concerned. The RTPI’s Building and Construction Information Services (BCIS) all-in tender price index will be used for buildings, while for highway works, the monthly bulletin of indices produced for the DTI would be appropriate. The Halifax Price Index for the South East will be used for affordable housing contributions. All obligations will include penalty clauses for late payments.
34. Where the precise level of development in an outline permission requires subsequent approval, the obligation will include clauses allowing for a proportionate increase in the scale of contributions sought. For example, where outline permission is granted for 20 units of housing, if the reserved matters application increases this to 25 units, the obligation will include formulae requiring a proportionate increase in the contributions payable.
35. Applicants must meet the costs of negotiating and producing the obligation. Charges will be made on an hourly rate, currently £100 per hour for City Council, £140 per hour for County Council (subject to periodic review). Applicants will be asked to

agree a solicitor's undertaking on costs before completing the legal questionnaire.

36. Once the planning obligation is signed, administrative costs are incurred on tasks such as ensuring on-site measures are provided, financial contributions are received and contributions are spent in accordance with the terms of the obligation. This requires compliance checks, monitoring, project management and implementation by the City and County Councils. Standard charges will apply to recoup these costs. For large-scale developments, phased payments may be agreed by negotiation, although this will incur an additional administrative charge. The standard charges are:

Table 2

Unilateral undertakings used for infrastructure up to £10k	£100
Contributions 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
£500,000–£1m	£5,000
Over £1m	0.5% of the value of the contribution
On-site measures or off-site measures within the applicant's control per clause	£700
City Council monitoring of County Council clauses – per clause	£75

37. Where the City and County Councils are both party to the obligation, these charges will apply separately according to the respective functions of the two authorities. For example, for an obligation involving on-site affordable housing, a £55k transport contribution and a £15k contribution towards a play area, the implementation contribution payable to the County Council would be £1,500 (for the transport contribution) and £1,000 to the City Council (£700 for on-site measure plus £250 for play area plus £75 for monitoring of County clause).

PREDICTED NEED FOR INFRASTRUCTURE PROVISION

38. Residential development – The Oxfordshire Structure Plan 2016 proposed

that 6500 dwellings should be built in Oxford between 2001-2016. The adopted Oxford Local Plan 2001-2016 predicts approximately 7,200 dwellings to be built over the Plan period, which equates to 480 dwellings a year. In the first four years of the Plan period, approximately 2,000 dwellings were completed and planning permission was granted for a further 3,425 dwellings. This indicated that Oxford is likely to exceed the Local Plan target.

(This will be updated with the 05/06 Annual Monitoring report figures for housing completions)

39. The Oxford Urban Potential Study 2005 predicts 3,320 more dwellings to be built (excluding those that have already gained planning permission) and these additional dwellings could contribute towards infrastructure.
40. The Oxfordshire Survey of New Housing in Oxford undertaken by the County Council provides information on the average occupancy of bedrooms per type of property. These averages will be used to calculate the infrastructure needs per dwelling.

Table 3

No. of bedrooms in property	Occupancy all people
1	1.40
2	1.88
3	2.68
4+	4.41

41. **Non-residential development** – Non-residential or mixed-use development sites are identified in the Oxford Local Plan that may come forward for development in the next 10 years. An analysis has been made of the predicted increase in floorspace from the potential development sites identified in the Plan. This information has informed the predicted overall increase in trips likely to arise from new development and is set out in more detail in the transport section and background note.

PART 2 – TYPES OF INFRASTRUCTURE

2.1 AFFORDABLE HOUSING

42. Oxford’s Housing Requirements Study 2004 identified a need for between 1,700 and 1,800 additional affordable dwellings per year over the Local Plan period.
43. The gap between the predicted increase in all new housing and the specific need for affordable housing means every opportunity must be taken to build affordable housing on suitable sites.
44. The Local Plan requires affordable housing as part of any development of 10 or more dwellings, or on a site that includes residential development and has a capacity of at least 10 dwellings, or on a residential site with a gross area of at least 0.25ha. Developers may not get round this policy by artificially subdividing sites. The City Council will require generally at least 50% of the total number of dwellings on site to be affordable housing.
45. Affordable housing should be provided as part of the proposed development unless the City Council and the developer consider it is preferable for a financial or other contribution to be made towards the provision of an element of affordable housing on another site.
46. All commercial development that is considered to generate a significant need for affordable housing would be expected to contribute to the cost of building affordable housing, except for retail and non-profit making public sector projects such as those in the education and health sectors.
47. The City Council has produced an Affordable Housing Supplementary Planning Document giving more details of the affordable housing policies and how they should be implemented.

Threshold:	Residential – 10 or more dwelling or 0.25ha
Contribution: generally a minimum 50% on site. In exceptional circumstances financial contribution:	See extract of Affordable Housing Supplementary Planning Document Appendix 2 for formulae

Threshold:	Non-residential - where justified
Contribution if not provided by employers on-site:	See extract of Affordable Housing Supplementary Planning Document Appendix 3 for formulae



Affordable housing at Elizabeth Jennings Way

2.2 COMMUNITY FACILITIES

- 48.** Community centres provide a vital resource for building a cohesive community. Such centres can provide a wide range of leisure activities for a range of groups. Where residential developments will increase the need for such facilities, the City Council will seek a contribution towards either building more facilities or improving existing facilities.
- 49.** A study by Strategic Leisure Limited (November 2005) for Oxford City Council reviewed community centre provision in the public, commercial and voluntary sectors. The City Council owns 23 community centres and there are also 29 private community centres. They are reasonably well distributed throughout Oxford.
- 50.** Dedicated community centre provision is not available in seven wards. Of the existing City Council facilities, the quality of 14 out of the 23 were assessed as being average or below. Of the 29 private sector facilities, 16 were rated as average or below. Therefore there is a clear need to improve the quality of provision with improvements that will allow greater use to be made of the community centres.
- 51.** For residential developments of 20 or more dwellings, the Community Development and Regeneration Team Manager will advise on whether contributions towards community centre provision are appropriate. Any such contributions will be agreed by negotiation according to the specific requirements arising from the application.
- 52.** Where community centres are provided by the private sector, any charges made for facilities should be affordable. The City Council will seek to influence this with a joint use agreement.

Threshold:	Residential where justified – 20 or more dwellings
Contribution:	By negotiation

2.3 DAY CARE PROVISION FOR ADULTS

53. Resource centres and day centres provide support for older people in an environment allowing for integration and interaction. The resource centres and day care facilities provide a range of facilities for older people to enable them to live safely and independently in their homes for as long as possible. Contributions towards improved provision of and access to such facilities may be sought from residential proposals where it is expected that it would place an extra demand upon adult day-care provision. The adequacy of existing appropriate provision will be assessed.

54. An estimate of the demands likely to arise from residential development proposals upon adult resource and day-care facilities will be normally based on the average occupancy of persons aged 65 years and older of the relevant proposal (information provided in the County Council survey of people in new housing in Oxfordshire 2005). Proposals incorporating designated elderly accommodation will be assessed separately.

Threshold:	Residential on site of 10 or more dwellings where justified based on the number of 65 year olds (and above) per average dwelling:			
	1-bed	2-bed	3-bed	4+ bed
	0.15	0.28	0.15	0.15
Contribution:	By negotiation			

55. The resources centres will form the hubs of a network of smaller day centres. The resources centres and day care facilities would not only provide a service to meet higher levels of need arising in part from new development but should also become important resources for the local communities.

56. The centres would provide a range of services to meet a spectrum of needs such as information and advice, health promotion activities, social contact and involvement in local groups. They will enable more people to live at home and promote social inclusion.

57. For larger-scale developments, on-site provision of supported housing may be required.

2.4 EDUCATION

- 58.** Education infrastructure is an integral part of new residential development and is an important element in achieving sustainable communities. Oxfordshire County Council is the local education authority (LEA) responsible for education provision. Developments likely to generate demand for more school places will be expected to contribute towards enhancing education facilities where these are insufficient to support the development. This may include contributions and/or the allocation of land to enable schools to be built or extended.
- 59.** Generally a financial contribution for an extension or upgrading of off-site education facilities will be sought from residential development that fills a school to over 95% of its capacity. Obligations may be required for:
- early years facilities (for children aged 0-3yrs);
 - primary school facilities (for 4-10 year olds);
 - secondary school facilities (11-16 year olds);
 - sixth forms (where applicable); and
 - Special Educational Needs facilities (SEN for 4-15 yrs).
- 60.** Contributions will not be sought from developments of one-bed dwellings, developments exclusively for students or for sheltered/elderly housing and other specialist housing developments where children will not be resident.
- 61.** The availability of school places will be calculated from the County Council's latest forecasts or those in the approved School Organisation Plan and schools admission policies current at the date a planning application is registered. The current

Department for Education and Skills (DfES) cost multiplier will be used to calculate contributions to extending facilities.

- 62.** Calculations of contributions towards new or extended schools will be based on multiplying the number of children (of the appropriate age) moving into the new housing by the cost per pupil of providing such extensions. The costs per pupil are based upon the Basic Need cost multipliers published by the DfES.
- 63.** Where education needs could not be met by extending existing schools, the housing developers may have to contribute both land and full funding for a new school. The costs of providing and equipping a new school will be calculated using the County Council's adopted Primary and Secondary School Briefs and government advice. For developments larger than 100 dwellings the need will be assessed for more accommodation for pupils with SEN.

Threshold:	Residential – 10 or more dwellings or 0.25ha (SEN threshold is 100 dwellings) where there is an educational need			
Contribution :	1- bed	2- bed	3- bed	4+ bed
Early years (3 yrs)	£0	£279	£744	£836
Primary	£0	£1,175	£7,265	£9,294
Secondary	£0	£816	£5,060	£10,937
Sixth-form	£0	£175	£1,086	£2,348
SEN	£0	£124	£767	£1,194
Total:	£0	£2,569	£14,922	£24,609

2.5 ENVIRONMENTAL IMPROVEMENTS

64. The City Council seeks new development that enhances the quality of the public space around the development. To achieve this, the City Council wishes to create safe, attractive and user-friendly pedestrian areas in the City centre, district centres (Cowley Road, Cowley Centre, Headington and Summertown) and neighbourhood centres.

65. The County or the City Council (depending for example on land ownership) will seek, where appropriate, contributions towards environmental improvements such as enhanced pavement materials, street furniture, trees and landscaped areas, lighting and signs (including tourist information signs). The City Council will also seek contributions for the provision or enhancement of public squares and spaces. Further details on environmental enhancements in the various areas of the City and the types of improvements are set out in a background note to this document.

Threshold:	Non-residential – above 2,000 m ² and changes of use that attract a large number of people within the city, district and neighbourhood centres
Contribution:	£15k per CCTV camera but will depend on circumstances



Environment improvement scheme Jowett Walk

Threshold (may be on-site provision):	Non-residential – above 2,000 m ² and changes of use that attract a large number of people within the City, district and neighbourhood centres
Contribution:	By negotiation

66. To keep the city centre a safe environment, the City Council will seek contributions to improve CCTV surveillance where the new development creates a need for additional CCTV cameras. CCTV is often said to be the single most effective measure in reducing the fear of crime; simply pointing out a CCTV camera can give vulnerable people confidence.

67. Whilst difficult to cost precisely, a single stand-alone CCTV camera costs approximately £15k, although there are considerable economies of scale if this is linked to an existing system, or several cameras are proposed at the same time. The idea is to allow total coverage, so that successive pan and tilt (multi-directional) cameras can achieve contiguous tracking.

2.6 FIRE HYDRANTS

- 68.** The County Council as the fire authority has a duty to ensure an adequate supply of water for fire fighting.
- 69.** Water supply works may be required to meet this duty. The County Council may use planning obligations to affix enough fire hydrants to water mains and to carry out other works to ensure adequate water supplies (in terms of volume and pressure).
- 70.** The cost of fixing a new fire hydrant onto a new main is approximately £700. However, this depends on the size of the main. Thames Water decides the size of the main.

Threshold:	Residential – 10 dwellings
Contribution:	By negotiation – approximately £700 per fire hydrant

Threshold:	Non-residential – above 1,000 m ²
Contribution:	By negotiation – approximately £700 per fire hydrant

2.7 INDOOR SPORT FACILITIES

71. The City Council considers it important to provide new facilities where there are gaps in existing provision, and to improve existing facilities where opportunity allows. The City Council will also seek public access to private and institutional facilities through sharing schemes and joint user agreements.

72. There are currently 8 City Council-operated indoor sports facilities. 13 sports facilities are provided by commercial operators, 4 by the voluntary sector and 10 by the education sector. Some facilities serve mainly the local community whilst others, such as the ice rink, serve the needs of the City as a whole and beyond.

73. A study by Strategic Leisure Limited (November 2005) for the City Council assesses both City Council-operated facilities and those in the private sector. It examines different types of facilities and their locations across the City. It assesses future demand likely to arise from new development. It describes existing City Council-owned facilities as being of variable quality. Several of the indoor facilities therefore need improving. The study has helped to formulate the City Council sport and leisure strategy.

74. Further studies are currently looking at specific future requirements. They will clarify where further provision or improvements (or both) are needed to meet the additional demand. However, on the basis of the studies undertaken so far, they are likely to identify the need to refurbish sports centres and swimming pools and address the future of the ice rink, which needs investment as both the building and the plant are 'life expired'.

75. The methodology for formulating the contribution is based on Sport England Participation rates as detailed in the Strategic Leisure study and national average construction and refurbishment costs supplied by Ridge and Partners.

Threshold:	Residential – 20 or more dwellings where there is a need to improve the local facilities			
Contribution:	1- bed £81	2- bed £110	3- bed £156	4+ bed £257
	This equates to £58 per person			



Barton swimming pool

2.8 LIBRARIES

- 76.** Libraries are important to the cultural and social infrastructure of communities; backing up education provisions for school children, students and lifelong learners. They also promote social inclusion; helping to bridge the gaps in access to information. All public libraries must be equipped to the national standard with Information and Communication Technology (ICT) facilities and internet provision.
- 77.** Oxfordshire County Council, as a public library authority, has a statutory duty under the Libraries and Museums Act 1964 to provide a comprehensive, efficient and modern library service to those who live, work or study within Oxfordshire.
- 78.** As library authority, the County Council must meet the Department for Culture, Media & Sport public library service standards, which address issues including distance to library facilities, provision of ICT and replenishment of book stock.
- 79.** For a library service to be successful, community libraries must offer quality premises. Therefore to maintain and improve the library service to the wider community the County Council will seek contributions to meet the extra demands arising from new development.
- 80.** The formula for developer contributions from residential development is based on the County Council’s adopted standard of providing 23 m² of publicly available library space for each 1,000 population, i.e. 0.023 m² per person. An average of two items of stock (books, audiovisual material etc) per head of population should be provided in any new extension/facility.
- 81.** Oxford’s large student population use the public library service as well as the university and college facilities. The number of full-time students is expected to rise, and therefore so are the demands on the public libraries. Taking into account the education facilities

and the students’ period of residence in a year, a reduced contribution towards improving library infrastructure is considered appropriate from developers of purpose-built student accommodation. So contributions may be required at 75% of the standard per-person rate.

Threshold:	Residential – 10 or more dwellings or 0.25ha Student accommodation			
Residential contribution:	1-bed £118	2-bed £159	3-bed £226	4+ bed £373
	This equates to £84 per person Contribution per student place £63			

2.9 MUSEUM RESOURCE CENTRE

82. The County Council’s museum service provides a central museum resource centre (MRC) at Standlake in West Oxfordshire. The MRC provides essential support to museums throughout Oxfordshire for educational, research and leisure activities. The MRC provides public access to the heritage and local history collections for both study and research, as well as archaeology collections. It also provides key conservation advice and training for both amateurs and small museums to look after their objects and collections. New developments will lead to an increased demand upon the service, which should be met by the expansion of the central facility.
83. The MRC is operating at capacity and an extension is required to satisfactorily meet the demands arising from further development throughout the County. The provision of the extension is largely dependent upon external (non development-related) funding. However, that potential funding will not meet all the costs of the expansion.
84. A contribution towards the delivery of the expansion will be required from residential development throughout the County. The amount per dwelling is based upon a fair apportionment of approximately £0.6m (about 20%-25% of the scheme) between the residential development expected in the County up to 2026.
85. The MRC provides safe and controlled conditions to store exhibits and provides public exhibitions to meet demands for access to the exhibits. The MRC is used by schools and by the general public. The expansion will contribute towards the City Council’s vision to provide more and improved affordable leisure activities as well as promoting social inclusion.

Threshold:	Residential – 10 or more dwellings or 0.25ha
Contribution:	£13 per dwelling

2.10 OUTDOOR SPORTS FACILITIES, PUBLIC OPEN SPACE/CHILDRENS PLAY AREAS, ALLOTMENTS, BIODIVERSITY

86. A Green Space Study by Scott Wilson (August 2005) provided a comprehensive assessment of public open space, including allotment facilities. Similarly, the study by Strategic Leisure Limited (November 2005) assessed City Council open air sports facilities and those in the private sector. The studies examined the level and the quality of provision. These studies have informed the Green Space Strategy and the Sport and Leisure Strategy adopted by the City Council. These documents supply evidence of where there is an imbalance or poor quality in provision, which use by the occupants of the new development is likely to exacerbate.
87. The Green Space Study recommended a standard of 5.75ha of public open space per 1,000 population. This is divided into 1.98 ha of formal open space and 3.77 ha of informal space per 1,000 population.
88. The City Council will require residential development involving 20 or more dwellings to provide at least 10% of the site area as suitable public open space where:
- there is a shortage of public open space in the vicinity;
 - the development would create a significant additional need for public open space; or
 - the site contains or adjoins a feature of recreational, ecological, visual or historic interest which should be conserved.
89. The City Council will require suitable play space for children as part of the public open space provision where the Green Space Strategy identifies a need. In suitable locations, play areas should be made for older children.
90. On smaller sites, where appropriate, and where the needs of the development would be better served by improving existing areas of public open space and/or children's play space nearby, the City Council will require a contribution in place of on-site provision. This contribution may be applied to City, neighbourhood or local park areas or ecological areas near the development.
91. The methodology for formulating the open space/children's play space contributions are based on the cost per additional person/child that arise from the need for new developments to maintain Oxford's local standards for open space/childrens play space provision.
92. Children's play areas should be well designed, suitably located (with safe pedestrian access and, where possible, visible from adjacent homes) and properly fenced, surfaced and equipped with at least five items of play equipment.
93. To meet the needs of older children, the City Council will seek to provide more teenage play facilities and to ensure that children living in all parts of Oxford have adequate facilities within a 15-minute walk from their home.
94. In exceptional circumstances where granting planning permission leads to the loss of open air sports facilities, alternative provision will be secured of equivalent or improved benefit to the community in terms of size, utility and access. This alternative provision could be in the form of significant improvements to existing outdoor sports facilities, such as changing facilities, improved drainage, levelling, floodlighting or an all-weather surface. Improving such facilities in this way will enhance the capacity by increasing the range of uses on sports grounds. The methodology for formulating the outdoor sport contribution is based on the cost per additional person of providing these improvements.
95. The City Council will only seek contributions from developers towards the improvement of local sports facilities when the need arising from the development justifies this. The City Council will also seek public access to private and institutional facilities through sharing schemes and joint user agreements.
96. The City Council will seek to enhance the biodiversity interest of new developments by the creation or enhancement of habitats as part of the proposals.
97. The City Council will require improvements to waterside settings for developments near

to water courses in terms of improving the visual appearance, protecting or creating wildlife habitats and providing public access.

98. The planning obligations required to secure these measures may involve on-site works if species have to be relocated or new habitats have to be created or managed. Alternatively, financial contributions may be sought for the creation or enhancement of a biodiversity feature.

Threshold open space park/ ecology area:	Residential – 20 or more dwellings or smaller sites where appropriate			
If no on-site provision contribution:	1-bed	2-bed	3-bed	4+ bed
	£359	£485	£685	£1,133
	This equates to £256 per person			

Threshold open space park/ ecology area:	Non-residential: developments at specific locations By negotiation
If no on-site provision contribution:	

Threshold play areas:	Residential – 20 or more dwellings or smaller sites where appropriate			
If no on-site provision contribution:	1-bed	2-bed	3-bed	4+ bed
Play facilities	£11	£44	£114	£243
	This is based on the average occupancy of children per dwelling			

Threshold sports grounds:	Residential – 20 or more dwellings or smaller sites where appropriate			
If no on-site provision contribution:	1-bed	2-bed	3-bed	4+ bed
	£54	£72	£103	£151
	This equates to £38.73 per person			

Threshold sports grounds:	Non-residential – developments on sports fields requiring replacement facilities			
If no on-site provision contribution:	By negotiation			

99. Where new infrastructure is provided and the land is transferred to the City Council, developers will be asked to contribute towards adequate maintenance over 10 years.

Threshold maintenance:	Residential – will apply when land to be transferred to the City Council
Contribution: (covers 10 years maintenance)	£46,580 per ha for open space, park, ecology area. £10,850 local park play area £29,660 neighbourhood park play area

100. Contributions will be sought from new residential developments towards the improvement of local allotment facilities where development is likely to increase use of the allotments and where the existing facilities are inadequate. Improvements may include drainage, provision of water supply, security fencing/security measures and toilet provision.

Threshold allotments:	Residential – 20 or more dwellings or smaller sites where appropriate			
Contribution:	1-bed	2-bed	3-bed	4+ bed
	£5	£7	£10	£16
	This equates to £3.58 per person			



Barnes Road pocket park

2.11 PUBLIC ART

101. Public art, integrated with buildings and landscape, is an important cultural asset, that can enhance and enliven the local environment. Public art should be commissioned and designed by artists for particular buildings or sites, which are accessible to the public. It can take a wide variety of forms in public locations, such as paintings, sculpture, murals, memorials, street furniture and facilities for performance arts or cultural events.

102. Public art can be permanent or temporary work, inside or outside a building, as an integral part of a building or free-standing in an open space. It must be either incorporated within the development site or placed near to the development. It can be large or small scale, reflecting or contrasting with its environment. Materials and processes used to develop the piece can involve woodwork, stone carving, metal work, painting, glasswork, lighting, photography and textiles.

103. There are three procedures for securing public art:

1. Where public art is required, it should preferably be considered as part of the design process and incorporated into the submitted planning application. The public art would then be secured by condition.
2. An applicant could agree to a planning obligation to provide public art on site up to a certain value but may need to pay a contribution if they require assistance to manage the project.
3. The applicant could agree to a planning obligation to make a financial contribution towards a work of art on or in the immediate vicinity of the site.

104. These processes are set out in more detail in the Negotiating and Implementing Planning Obligations Code of Practice.

105. Where a planning obligation is required, this would cover management fees, interview and

design costs, artist’s fees, fabrication costs, installation and maintenance.

106. Oxford uses a principle called ‘Percent for Art’. ‘Percent for Art’ is an internationally used funding mechanism for the commissioning of public art. The Arts Council of England endorsed ‘Percent for Art’ in 1988 as an important means to integrate the work of artists into planned development of public space. Normal practice is for at least 1% of capital costs to be allocated for public art.

107. The City Council is interpreting this 1% as a fixed figure from the average building cost per dwelling. The Valuation Office has advised that the average cost per dwelling for the South East is £1,000 per m² and the average floorspace per dwelling is 85 sq.m. Therefore £1,000 x 85,000 x 0.01 (1%) is £850 per dwelling. Figures directly applicable to Oxford will be applied if available.

Threshold:	Residential: 20 or more dwellings
If no on-site provision contribution:	£850 per dwelling

108 For non-residential development, the Valuation Office say the average construction costs of a basic building (say for warehouse use) is £1,200 per m². A more substantial building with lifts, air conditioning etc like office developments is £14-1500 per m². The 1% for art policy has been applied to these development types.

Threshold:	Non-residential: developments of more than 2000 m ² or floorspace or a development that will have a significant impact on the public realm or a high degree of public access.
If no on-site provision contribution:	£1,200 per 100 m ² for a basic building and £1,400 per m ² for office style developments

2.12 STUDENT NUMBERS

- 109.** The University of Oxford is expecting a significant level of growth over the Plan period, with an estimated need for an additional 75,000 m² of floorspace. Proposals to increase floorspace will only be granted planning permission if, through planning obligations, the University of Oxford accommodates more students in purpose-built accommodation and limits the number housed elsewhere.
- 110.** Oxford Brookes University forecasts a need for up to 50,000 m² of extra floorspace over the Plan period. Oxford Brookes says it needs the increase to accommodate the projected growth in student numbers and research activities and particularly to improve the quality of its facilities.
- 111.** The City Council acknowledges the need for more floorspace at the two universities but needs to ensure that any increase does not reduce the amount of private-sector housing available. To achieve this, the City Council will seek a planning obligation to control the increase in student numbers. This will ensure that any increase in student numbers is matched by increases in purpose-built student accommodation. These considerations also apply to private colleges in Oxford.

Threshold:	Academic floorspace or residential student accommodation
Contribution:	Non-financial – obligation on student numbers

- 112.** Information on student numbers is supplied to the City Council each year from the two universities and is monitored as part of the Annual Monitoring Report.

2.13 TRANSPORT

113. Oxford is the largest urban area in Oxfordshire and is unique in its transport demands and characteristics. Routes into the City are mainly constrained by the Rivers Thames (also known as the Isis) and Cherwell and their tributaries. These routes become heavily congested in the peak hours. Park-and-ride facilities are located on the principal routes at the edge of the City and make a vital contribution to the access strategy. Controlled parking zones are an important management tool in Oxford. Many land uses, particularly within the central area, have no car parking and employees, shoppers and visitors have to use a range of public transport.

114. There is an extensive network of bus routes within the City and this mode of transport accounts for a high proportion of journeys. For the transport in the City to operate efficiently, public transport, cycling and walking must represent a high and increasing proportion of trips. Continued improvements to these methods of transport are needed to make them more efficient and attractive.

115. People travel to work and shop within the City from a wide area. Improvements on the edge of the City can relieve congestion and shorten journey times for those with destinations in the centre. Because of this broad impact, developer contributions are required across the whole of the City.

116. Most developments will be on previously developed sites. As a development takes place the overall total number of trips may increase or in some cases remain similar, but in either case different demands may be placed on the transport infrastructure. The developer funding has to reflect this change in demand.

117. For all developments, contributions should focus on improvements to bus travel, walking and cycling, which minimise access by private car (including the creation of new routes where appropriate). Contributions may also be applied to traffic-calming measures, to improve cycle safety, and to park-and-ride. It is the overall change in travel demand that further burdens the infrastructure, and the formula

accommodates that change in a way which fully exploits sustainable travel modes, and integrates with the wider transport strategy.

118. Travel plans will be required for developments likely to have significant transport implications. The more complex travel plans may be secured by obligation.

119. The approach to contributions addresses the total travel demand created by a development, which cannot otherwise be met through capital spending programmes. A standard contribution will be required towards strategic transport improvements for Oxford, and additional contributions will be sought where necessary to ensure adequate local site access.

120. The City Council has identified schemes to improve the transport network, prioritised in line with the Local Transport Plan 2006-2011 and Local Plan policies on cycling and footpath provision. The estimated cost of the higher priority publicly unfunded schemes has been divided by the number of new trips likely to be generated by development on sites allocated in the Oxford Local Plan (which have not yet been developed). The calculation of contributions according to trip generation is based on national data for bus and car movements from particular types of development. However, the schemes it applies to take account of all modes of transport.

Threshold (may be on-site measures in addition):	Residential – 10 or more dwellings or 0.25ha			
Contribution:	1-bed	2-bed	3-bed	4+ bed
	£1,600	£2,450	£2,625	£2,975

121. For non-residential developments, the contribution payable will be based on information provided by the applicant in the transport assessment submitted with the application for peak hour trips. Based on the predicted infrastructure requirements, the County Highways Authority has estimated that the cost per peak hour trip is £3,325.

Threshold (may be on-site measures in addition):	Non-residential – all developments above 500 m ²
Contribution:	£3,325 x sq.m. floorspace x peak hour trip provided by the developer



Cycle track off Walton Well Road

2.14 WASTE RECYCLING CENTRES

Threshold:	Residential – 10 or more dwellings or 0.25ha
Contribution:	£120 per dwelling

- 122.** The County Council is a Waste Disposal Authority and is responsible for disposing of the county’s household waste and running recycling centres throughout Oxfordshire. It has statutory recycling and composting targets to meet as well as targets to reduce the amount of waste going to landfill. Progress is measured through the Best Value Performance Indicator process. While the County Council operated waste recycling centres have one of the best recycling rates in the country it is keen to increase recycling further. Oxford City currently recycles and composts less waste than any other waste collection authority in the county.
- 123.** Major development proposals should help rather than hinder the achievement of the targets. Developers are therefore expected to provide infrastructure and/or financial contributions towards the reduction, re-use and recycling of waste material.
- 124.** The main recycling centre serving Oxford is at Redbridge (south Oxford). To mitigate the impact of additional pressures at the recycling centre, contributions will be required from developers towards its redesign and improved capacity.
- 125.** A contribution per dwelling will be required towards the costs of improving the waste management facilities for Oxford. The amount is £100 per dwelling. This sum is based upon the costs of upgrading a similar facility in Oxfordshire.
- 126.** When new homes are established it is good practice to carry out waste education, partly based on analysing what people throw away. Waste education may take many forms but is assumed to include a “door stepping” stage with visits by a waste education officer. A contribution of £20 per dwelling would be required to establish such good practice in the new development areas. It is intended that this money is administered by the Oxfordshire Waste Partnership which is the joint working body for waste management issues in the county.

2.15 YOUTH SERVICE

127. Local Education Authorities (LEAs) have a duty, currently set out in section 508 of the Education Act 1996, to secure the provision of youth service facilities in their area. The Government considers that facilities made available through the youth service form an important part of the education system.

128. The County Council provides through the operation of youth centres services for young people in non-formal settings. The County Council Children's and Young People's Plan (operational from April 2006) is based on the promotion of health, safety and achieving a general economic well being for young people. The outcomes for young people will contribute to the City Council's Vision as outlined in the Local Plan. The youth service has a key role in delivering against these outcomes for young people aged 13-19 years.

129. In early 2006 the Government produced a document as part of the 'Every Child Matters – Change for Children' agenda: *Youth Matters: Next Steps*. The Youth Matters proposals provide a balance of opportunity, support and challenge to ensure successful transition for every young person to adulthood. Youth Matters envisages a strong local menu of "things to do and places to go" for young people.

130. Current youth service accommodation in Oxford is at

- Headington
- Barton
- Blackbird Leys*
- Rose Hill*
- East Oxford
- Riverside Centre
- Wolvercote.

*within City Council community centre buildings

131. Where new residential development takes place an assessment of the impact of the population generated upon existing youth centre infrastructure and youth service needs will be carried out. In relation to assessing the impact upon the youth service provision

and any extra needs arising from a potential residential development the existing provisions will be taken into account. Where there is a need for improved facilities, a contribution will be sought based on a costed improvement.

Threshold:	Residential – 20 or more dwellings where justified on a costed improvement
Contribution:	By negotiation

GLOSSARY

Affordable Housing

Dwellings at a rent or price that can be afforded by people who are in housing need and would otherwise be accommodated by the City Council

Annual Monitoring Report

Information on the implementation of the policies of the Local Development Framework

Best Value Performance Indicator

A Government indicator assessing the performance of a local authority on a particular service

Controlled parking zones

Areas where on-street parking controls have been introduced

Department of Education & Skills (DfES) Basic Need Cost Multipliers

These give a building cost per pupil place and are prepared annually by the DfES. There is one cost multiplier for each phase of education. They reflect part of the costs of providing education infrastructure improvement at schools; being based upon a weighted average of multipliers for extended and new schools.

Housing Requirements Study

Study to assess the level and type of housing need in Oxford

Local development document

The documents which (taken as a whole) set out the City Council's policies relating to the development and use of land in Oxford

Local Development Framework

The Local Development Framework is replacing the previous development plan system and contains detailed policies and proposals to guide development in Oxford.

ODPM Circular 05/2005

Office of the Deputy Prime Minister advice to local planning authorities on the use of planning obligations

S106/S46 agreement

A legal document binding developers and the City and/or County Council into carrying out specific works or payments that are necessary to allow the development to go ahead. Sections 46 and 47 of the Planning and

Compulsory Purchase Act 2004 give the Secretary of State the power to make regulations to replace S106, but the Secretary of State has not yet taken these powers.

School organisation plan

This sets out how a local education authority proposes to provide sufficient primary and secondary school places to meet the needs of the population within its area.

South East Plan

Document containing planning policies for the South East region. Also known as the Regional Spatial Strategy for the South East.

Supplementary Planning Document (SPD)

A document that supports and elaborates on policies and proposals in development plan documents

Transport assessment

A technical document detailing the potential transport impacts of a proposed development, and ways of mitigating these impacts

Travel plans

Documents submitted with planning applications assessing the transport impact of development, including mitigation measures

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Background note - Transport methodology
Background note - Indoor sports facilities methodology
Background note - Library contribution methodology
Background note - Museum records centre methodology
Background note - Outdoor sports facilities, public open space/children's play space, allotments, biodiversity methodology
Background note - Waste recycling centre methodology
Background note - Youth service methodology